

Closed Caption Log, Council Meeting, 11/10/11

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Mayor and council, we draw our roots from the church of england so if I use a royal week today to talk about our deliberations, I hope you will understand. Let us pray. Gracious god, we pray for all leaders today in government, barak, our president, for rick our governor, and for this body here gathered. We are blessed living in austin with many, many good things. We pray in our deliberations today we won't mess those up. And we also face many challenges from these struggles. We pray in our deliberationss today that we may provide solutions and leadership. We pray, we pray for civility in speech, for displays of human kindness, for patient listening, for kind hearts, open minds. That the work we do this day may benefit the citizenry of this city and give hope where there is hopelessness. And help us, we pray, to remember the weakest, the poorest, and those who face the most difficult challenges. That our hearts are firmly set on what is good for every citizen. And as we must deal with awkward and complicated political challenges amongst us, for a spirit of partisanship, commonality of hope and idea that we may serve this city well. We pray together and say amen.

Mayor Leffingwell: Amen. Thank you, reverend. Please be seated. Also before we open our meeting, I would like to note that today is the birthday of the united states marine corps, 236 years of service to our country, so happy birth marines everywhere. A quorum is present so I'll call this meeting of the austin city council to order ON THURSDAY, NOVEMBER 10th, 2011, At 10:08 a.m. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. I'll begin with the changes and corrections to today's agenda. They are as follows. Items 2 and 56 are postponed TO -- UNTIL DECEMBER 8th, 2011. On item number 3, add the phrase "recommended by the water and wastewater " item number 18 is withdrawn. Items number 23 and 25 are post DECEMBER 8th, 2011. On item 28, add the phrase "recommended by the water and " and on items 43, 44, 45, 46, 48, and 55, add the phrase "recommended by the water and " on item number 63, delete the word "existing" so that it " on item number 65, add the phrase "after authorizing the negotiation and" so that it reads "authorizing the " our time certain items for 30 we have a briefing from the austin resource recovery on the austin resource recovery master plan, and second a on the results of the 2011 austin survey, and without objection council, by staff request i would like to reverse that order and take the survey item first. 00 noon we have our general citizens communications. 00 we'll take up our zoning matters. At 4:00 p.m. public hearings. 30, Live music and proclamations. The musician for today is leticia rodriguez. The consent items -- consent agenda is items 1 through 76. And I'm going to read item number 66 into the record which is our appointments and waivers to boards and commissions. That item will remain on the consent agenda, however. To the board of adjustment, stewart hampton as an alternate is nominated by myself. To the bond election advisory task force rodney ahart nominated by mayor pro tem cole. Jeff voight nominated by councilmember riley. Griffin davis by councilmember -- excuse me, mayor pro tem cole. Frank hernandez by councilmember martinez. Linda guerrero, councilmember morrison. Alfonso hernandez, the planning commission representative is nominated by the planning commission. Jennifer kim, myself. jennifer McFail, councilmember riley. Terry mitchell, myself. Leslie poole, councilmember tovo. Tom spencer, councilmember morrison. To the downtown commission tina hernandez is councilman spelman's nominee. And to the urban renewal board joe babb is nominated by myself as is gary smith. Those are the nominees for item number 66. Again, the consent agenda is items 1 through 76 with the following items removed from the consent agenda. Item number 4. Excuse me. So again, the consent agenda is items 1 through 76 with the following items pulled off consent agenda. Item

number 4 is pulled off by mayor pro tem cole. Item 7 and 53 pulled by councilmember tovo. Item 22 will be pulled off consent and be heard after we hear item 106 later on this afternoon. And councilmember martinez has pulled items 13, 14 and 73. The following items are pulled off consent agenda due to speakers and those are items 11, 15, 17, 40, 52, and 69. Are there any additional items to be pulled by councilmembers? Hearing none, I will move to approve. Mayor pro tem cole seconds. Discussion. All in favor say aye. Opposed say no. Consent agenda is approved on a vote of 7-0. So if I could ask you to hold the conversation down as you exit the chambers, we'll go on with our meeting. First items we will hear this morning is item number 4 which was pulled by mayor pro tem cole, and we also have two speakers signed up. To speak.

Cole: Speakers first, mayor.

Mayor Leffingwell: First speaker is michael fossom. Michael fossom. Welcome, and you have three minutes.

Good morning, council. I'm michael fossom with austin heritage tree foundation. We're concerned with the 360 landfill remediation project because we don't agree with the urgency to do this project in the middle of the severe drought and also don't agree with the assessment by staff that potential contamination would affect barton creek and barton springs. We think this project could be delayed until the weather returns to more tip rule rainfall patterns. We would recommend that more testing be done to assess potential contamination. The large amount of water planned to be used for this project could be used for more urgent needs such as to save heritage trees which can be watered by hand due to water conservation measures. The austin tree foundation met with the project manager last september and proposed a few improvements. Chuck agreed to implement these, but these improvements need to be included in the site plans. When we met, we agreed this project was needed based on chuck's explanation of potential contamination. However, two independent landfill medical experts, nick clausen of the urban forestry board and one of his colleagues, have explained the contaminants are most likely long gone. Our first concern is contaminants have been in the ground over 60 years and do not pose a danger to public or environment. According to two experts, most likely the contaminants have been washed out by now and there is no hazard to the health or welfare of the citizens or the environment. Our second concern is removal of a large amount of healthy trees in time of severe drought. The saplings that would replace them would have -- will be irrigated for two years but will have a high mortality rate after irrigation is shut off after two years. In addition the high water consumption, there is a risk of the irrigation having to be disked during a two-year period due to the lowering of the lake levels. This will increase the mortality rate even more and would mean very large amounts of water used at that point were wasted. We estimate anywhere from 1 million to 2 to 4 million gallons of water will be used per year. Our third concern is the removal site. The contaminated soil under the drip lines needs to be removed by soil aeration not by hand excavation as stated in the approval site plan. In addition all standard soil aeration procedures need to occur to ensure these heritage trees will survive. These are to erect a fence at the drip line for one year, irrigate to keep the roots consistently moist for one year and add recommended amounts of rich organic soil or mulch. There has to be a commitment irrigation will not be shut off otherwise these trees will be impacted and life reduced. Our fourth concern -- [buzzer sounding] -- is that the urban forestry board --

Mayor Leffingwell: Thank you. Your time has expired. Councilmember morrison.

Morrison: I wonder if i could ask you to briefly finish up that concern.

I'm sorry?

Morrison: If you could briefly finish up.

Our fourth concern is the urban forestry board recommended in september that a few more trees be saved with two approaches proposed by chuck. It's important these approaches get executed, but

again, they are not in the approved site plan.

Morrison: Thank you.

Mayor Leffingwell: Mayor pro tem cole cole you talk about improvements to the site plan that the heritage tree organization recommended. Can you tell us what a couple of those were or --

yes. Give me just a moment here. We did send an email to all the councilmembers on wednesday that did list these. Let me see. One of those was to use soil airation rather than hand removal. With hand removal, you have a danger of damaging the tree roots when you remove the soil where that's not as big a concern with soil irrigation. Another recommendation was to leave the irrigation plumbing in place after the two-year period so that if we continue to have severe droughts we could in addition water those trees occasionally in order to help them survive the drought.

Cole: Thank you.

Thank you.

Mayor Leffingwell: Next speaker the nicholas fossom also against and you have three minutes.

Mayor leffingwell, mayor pro tem cole, ladies and gentlemen of the council, my name is nick clausen and in my professional opinion the loop loop 360 landfall is not a problem and to go forward with the remediation at this time would be to fix something that ain't broke. My professional opinion is based on my 40 years as a licensed professional engineer in the state of texas, 20 of those years being spent in the municipal solid waste management land program of the state of texas and my current service on the urban forestry board. I have personally visited this site and inspected it, and it's one of about 100 similar sites that are scattered around austin that were closed 60 to 80 years ago. It's in a brushy area. Most people don't even know it's there. It's not being used for anything except camps for homeless community and maybe some weekend walkers. There's nothing there that i could observe more than inert waste. Traces of lead and animony were found in a couple of the -- the monitor wells that the city installed, but there was no documentation of these traces having caused any illness or ill effects to anybody in the 60-plus years since closure. The project calls for stripping the topsoil, excavating the waste, removal of about 125 healt well-established trees whose root systems are holding the soil in place in this sloped area. Then replacing the excavated material with fresh soil and planting several hundred saplings. When it does rain, there's going to be significant erosion, and to survive the new trees, as was just pointed out, need watering past two years, several years after planting. The contract just calls for about two years of watering, and I don't think these young trees are going to survive in drought or near drought conditions like we're going through. [Buzzer sounding] the time to remediate this landfall is when there is a legitimate use for the land developed.

Mayor Leffingwell: Thank you. Your time has expired.

Cole: Mayor, I have a quick question. You talked about the new trees needing additional watering in your professional opinion. Can you tell us the amount of time that you think would be appropriate?

I don't know that I heard the last part of your question.

Cole: I'm trying to get an idea. You talked about the fact that we are contemplating watering the new trees for two short of a time period, and I was trying to understand what time period you thought would be accurate.

Well, it would be until they get an established root system and become healthy and grow beyond the

classification as a sapling. Five years, maybe more. It would just depend on the tree and the conditions.

Cole: Thank you. I just was trying to get an estimate.

Mayor Leffingwell: I have a quick followup. That's the current practice, ordinance, I believe, is that newly planted trees, mitigation trees are watered for two years. You are proposing additional time in this instance. Are you also proposing additional time in all instances? For when trees are planted for mitigation?

If I understand your answer, you are asking about -- I mean your question, you are asking about --

Mayor Leffingwell: I guess I'm asking that the current requirement is to irrigate newly planted trees for two years. Are you recommending that for all newly planted trees or just in this case?

No, all --

Mayor Leffingwell: Something specific --

all newly planted trees if they can possibly be watered for longer. The contract calls for two years and that's it.

Mayor Leffingwell: Because that's the requirement for all newly planted trees. Councilmember tovo.

Tovo: clausen, could you tell us, I see that the urban forestry board received a presentation about this project. Did you make any specific recommendations as a board?

I apologize for my hearing.

Tovo: I'm sorry. I may not be talking into the microphone. Did the urban forestry board make any specific recommendations about this landfall project? I know that you received a presentation back in september.

No, they didn't. I wanted to make a recommendation, but as i remember, I was -- I was told that that was not appropriate at this time and it had to be on the agenda and so on and so forth.

Tovo: I see. So it was scheduled just as a briefing just for the urban forestry board's information, not for any specific recommendations?

Not as I remember, no. And I was there.

Tovo: Well, I appreciate your letter and also your being here today to weigh in. Thank you.

Well, I urge you all to reconsider this because it ain't broke and we don't need to fix it.

Mayor Leffingwell: Thank you. Next speaker is roy whaley. Signed up against. And you have three minutes.

Howdy, y'all. Roy whaley, austin sierra club, and it's another beautiful day in austin, texas. Great day to be climb ago tree or sitting under one. I also have a copy of clausen's report here, and for sierra club it's always a matter of finding the balance. And we're concerned about whatever contamination may be going into the -- to the aquifer. In that area. And into the ground water. clausen has said, over the past 60 to 80 years, with all the rainfall that we've had, it's a high likelihood that all of that has already

leached and worked its way through the system. I don't know if there have been recent studies done on the ground contamination out there, but we do want to save those trees. And if we're going to work as hard as we did to come to terms on a heritage tree just recently over on Bowie street where there was development that -- that we approved of and supported because we do support downtown, and ask a developer to keep his profitability, but also shave off just a little bit for the community benefit of this tree, how can we go out to an area that's not under development and say let's cut down all of these trees. I'd like for us to really seriously consider that. Also, because we are under severe water restrictions right now, and looking at worse water restrictions, how are we going to take care of the trees that we have much less the young trees that have a tendency to die? We won't even be able to water them if the restrictions go into place. And as a side note on that is correct I have been talking to a few folks in the community, the park board, et cetera, about some of the problems we have with water main leaks and breaks. We lose that water and there's nothing we can do about that while they are fixing it. But afterwards they have to open up fire hydrants and flush the water out for health and safety reasons. That's a lot of water going away. I would like to see if the city manager could deal with this or if he needs direction from council to talk to the different department heads to see if this is a coordination issue between departments. Can we go and capture that water, the parks department has three tanker trucks that may not be enough. Can we get others out there and capture that water from the fire hydrants and take it and water our public trees. And we're just in the very early stages of discussing this, but I think it would be a good idea. I also think it would be a very good idea to delay this. If there are further studies that need to be done concerning ground contamination, fine. [Buzzer sounding] but let's not do that now. Let's not take out the trees now.

Mayor Leffingwell: Thank you, Roy. Mayor pro tem Cole Cole I have a quick question for Mr. Whaley. You were talking about how the water restrictions would damage the trees.

Uh-huh.

Cole: And I just want to deal with item number 4. And it was my understanding just based on the recent comments that if we put in place a longer period for watering, that that would help the trees. And I'm trying to figure out if that somebody something you would support.

Well, and I would leave that to the tree experts, but what I could say if we can't water period, it doesn't matter how long the period is allowed. We are reaching the point where we are going to be told that we can do no outdoor watering whatsoever. If it gets that bad. If the drought continues. And so we would plant trees that we wouldn't even be allowed to water no matter what the agreed period would be. And, of course, saplings can never take the place of the heavy lifting of carbon sequestration that heritage trees do.

Cole: I'm just going to admit you are probably a better expert on the heritage tree ordinance than I am so I want to ask you a couple of questions.

That's kind of a risk, but okay.

Cole: I know there are classifications within the ordinance, and what my appointee just pointed out is that this particular young tree or new tree would normally only require watering for a two-year period as opposed to another classification made today and to actually help the tree it would have to be a five-year period.

Well, once again, I would say that we look and see that a lot of times when these young trees are planted, even if they are watered properly and they are allowed to be watered despite the drought restriction, they don't all live. And we've got healthy trees out there right now. So far as I know and can tell there's no health hazard on this site. It's an old landfill. Well, over at the Bright Leaf Preserve, parts of that was an old landfill too and it's illegal to remove any of that trash because it's historic trash. I'm not saying that we've got -- [laughter] -- you know, Stephen F. Austin's pork n beans cans sitting over

there somewhere, but since it's just quite simply if it ain't broke, we don't need to fix it.

Cole: Thank you.

Thank you.

Mayor Leffingwell: Jen Studebaker signed up not wish to go speak. I would like to ask staff, Wozniak to talk about the need to remediate this landfill. First of all make sure I've got my location straight, is this the one on 360 year Barton Creek, the shopping center there.

Between Brodie Oak and Barton Creek.

Mayor Leffingwell: Very old landfill.

Yes. Very briefly, the background on this site, this is a site we've had public concerns and complaints about since the MID-1990s ACTUALLY FROM Environmental Board members in THE MID-1990s AND EARLY 20,000S have asked us why the city wasn't doing anything about this site and our answer was we had other landfills that were on city property that we were responsible for that presented a higher either public health or environmental risk. We've addressed those sites. Maple Davis Park, Wind Come Land Fizzle, Spring Dale Park that have been addressed. This was next on the list based on its risk to the public and to the environment. As some of the speakers have mentioned, this is a very old site and if it was in a different location, we probably would leave it in place and not do anything about it. But it's directly above Barton Creek. Our environmental assessment that was done a couple years ago indicates we are seeing contamination down gradient from this site so we are having contaminants wash from the site towards Barton Creek. It's directly over the recharge zone for Barton Springs and water -- storm water that filters through the waste goes into the ground water and is based on dye tracing that our department has done would travel directly to Barton Springs in about 10 to 15 hours. So it's very, very rapid travel from this site. And the speakers are right, it is likely that the majority of the contaminants have been already leached out of the site. But because it's in a greenbelt where we've got exposed waste at the surface, we've got hiking trails through the waste, we've got lead which is a known public health risk that exceeds state standards in the surface soil, we've got glass, rusted metal, that sort of thing exposed at the surface, and the environmental risk that it presents, we felt like the best option, we felt like something needed to be done and there were two options. We could either cap it which would address the exposure to the public and address the potential for contaminants to move vertically into the ground water and run off in sediment, or remove it. Both solutions require removing all of the trees. And with the capping option, we would not be able to replace the trees because the TCEQ does not allow you to grow trees on top of the landfill cap so and we would have this giant open space in the middle of what is currently heavily forested greenbelt. And so -- and the costs were essentially the same. And so -- and we would also have the long-term maintenance issues. So we felt like the best option was to remove the landfill, selectively remove trees. Originally the design consultant, the site plan had over 300 trees being removed. We reduced that to just over 100 trees. We're being very selective in how these are removed. There are no heritage trees being removed. There are three there. We're hand excavating around those. Vega recommended using a air spade. It is strongly recommended to do the hand excavation. The other recommendation about potentially extending the watering period beyond two years we've agreed to. We just didn't have time to make changes to the site plan before it went out to contract. In fact, all of the recommendations that they've made except for not doing the project we've agreed to do and will voluntarily implement the parks department is on board with that and at the end of the two-year period we'll have the arborists evaluate the trees and if we need to leave the irrigation system in place and operate it ourselves for as long as necessary, we'll do that.

Mayor Leffingwell: Thank you. Councilmember Tovo.

Tovo: Thanks for that additional explanation. I have a few more questions. I am in receipt of some more information that you've provided about the prioritization of sites and I wonder if you could speak to that,

how sites are prioritized and how this site compares to others that might be on your list for remediation.

This -- like I said before, we've remediated several other sites, the largest being maybe he will davis park where we had a large municipal landfall that was in the park. But the first concern is public health risk. Then we look at environmental risks. And so it's based on that. While there are over 70 landfalls on the inventory for in the closed landfills or abandoned landfalls in austin, there are only a few on city property. And we're addressing the ones that are on city property because the city is responsible for those. And we work with private landowners to encourage them to address ones that are on private property. So we don't evaluate those for public health or environmental risks necessarily, but we do evaluate the ones on our property. We have two other sites that we're assessing right now and are currently in design that will likely be showing up on a council agenda in the next year or so that are lesser risk, and actually those have been discovered just in the last couple of years and we do come cross them from time to time. But after this one we had hoped we were done but we found a couple more.

Tovo: So those are lesser risks in terms of the public health and environmental risk?

They are actually similar risks but we had already started assessment and design work on this one when those other two were discovered. And we immediately began assessing those as well.

Tovo: In the presentation that you did to the environmental board in august, the site assessment, you have some information from the site assessment that shows that the soil had lead and --

antimony.

Thank you, antimony in the soil. And that it was elevated. How is -- I guess can you give us some relative -- can you put that into relative terms for us. Elevated compared to regular.

The state standard is 500 milligrams or 500 parts per million in soil. On a site like this. Most of the samples that we took, the majority of the samples were actually below that standard, but we had a number of samples that exceeded that standard. We had several over 1,000 parts per million. Several between 500 and 1,000 parts per million. And we did see evidence of lead downstream of -- or down gradient of the site which did concern us because it means that the lead and antimony is traveling off site.

Tovo: And in the surface water it says there was a low level of antimony found in three samples.

Yes. And that was off site. That was not on the -- inside the landfall itself. That was in a tributary of barton creek just downstream.

Tovo: But you had pretty good -- it's a pretty good assumption based on dye tracing that it originated at this site is this.

Not based on dye tracing, but when we did background samples we didn't find any lead or antimony, but we did find it downstream and this is really the only [inaudible]. Testify then with regard to the tree removal, it's my understanding and this may not be correct, but that most of the tree removal is necessary to bring large equipment on the site. And so my question is whether that's a correct assumption and if so if there are ways to use other kinds of methods that would result in fewer trees removed. Or are you removing the trees to get at the soil?

We're actually removing the trees to get at the waste. The -- the waste is not uniform across the entire area and it's about four to five acres all together by area, but it's patchy within that. And so we're only removing trees that are on top of the waste so that we can get at that waste and then remove it. We're

actually in that five-acre or so area within our limits of construction, we're actually only removing a fairly small percentage of the trees. There will be a large number of the trees within that footprint, that four to five-acre footprint that will be left in place, including three heritage trees.

Tovo: So just to clarify or reemphasize, it's not a matter of bringing large equipment on it's really about [inaudible].

Yes, ma'am.

Tovo: I believe I heard maybe in some of the media reports on the subject that doing this project in time of a drought may actually facilitate the work. Is that accurate?

That's right. The drought is a double edged sword. Where the revegetation saves the project when we're done, the drought is a problem. But because this is on a very steep slope subject to erosion and we're going to be handling waste, what we don't want that waste as we dig it up and expose it to have rainfall come in contact with it and run off. In fact, we've had to design the project so all rain water that comes in contact with the project is captured and contained on site. It will be pumped up all the way per state regulations. And so what we don't want, the more rain we have, the greater the environmental risk during construction and significantly increases the cost of the project. So actually these are ideal conditions for doing this work. Revegetation phase is more of a challenge, but we do have a very extensive irrigation network that will also be used to water the trees that we don't remove, like the heritage trees and the other trees around the waste, those trees will be watered as well.

Tovo: Okay. Thanks. I think that's it for now.

Mayor Leffingwell: Mayor pro tem and then councilman spelman.

Cole: I appreciate the explanation about the fact the drought conditions are a double edged sword. It's my understanding when you talk about the rain conditions being a problem because of the steep slope and you have a greater likelihood of the contamination flowing into the springs and the creek. Is that correct?

That's correct.

Cole: Then you talked about the vegetation period and needing just rain to help the trees and the plants grow back.

That's right.

Cole: And I know you can't predict the future and i wish [inaudible] but we can't, but I wanted to know what your irrigation plan is for that vegetation period.

I should have brought a drawing but it's an existing network of irrigation pipes that will be laid across all of the disturbed areas and every single sapling and the trees, the heritage trees will also have irrigation directly on them. And so that will be operated for two years, and at the end of that two-year phase, the city arborist and the arborist from the parks department will help evaluate those trees and if we need to continue beyond that two years we'll take the irrigation on ourselves.

Cole: And I guess because these are unusual circumstances and we are dealing with a landfall, have you ever made any exceptions to how you handle that? And I'm asking that specifically because some of the speakers have expressed concerns about just a blanket cutoff after two years and i understand a blanket cutoff to evaluate, but I'm wondering who that evaluation is actually going to be given to. Will

that --

it will be -- we'll ask for assistance from the city arborist and planning and development and [indiscernible] department and arborists from the parks department because this is actually operated by the park department as far as barton creek greenbelt and they will give us evaluation whether or not we need to continue to irrigate.

Cole: I would ask to ask that [inaudible].

I would be glad to.

Cole: And then my mainly question was it was stated that you actually did make the recommendations or planning to -- at the austin heritage tree organization ask you to make at the site plan. Is that correct?

That's correct. All of the recommendations from the heritage tree foundation and the urban forestry board other than not doing the project we've agreed to. The problem was we're in a little bit of a time crunch because this is golden cheek warbler habitat and part of the balcones connian lands so we have very close to complete with the project by march 1st or postpone the entire project until after september of next year. And so we need to get the construction started. So we didn't have time to stop and revise the site plan because we needed to get the request for proposal, request for bid out. And -- but what they've recommended are common sense for all things that we can do either do ourselves or work out with the contractor with no significant changes to the contract itself. So we will certainly make sure that those things happen.

Cole: And I'm glad you brought up the golden cheeked warbler because he was also concerned about the black cap virio.

Well, they have different types of habitat and my understanding this is primarily warbler habitat and the secretary has reviewed and approved this project and in fact supports it. And the bccp is providing the trees through austin water utility, they have a thousand trees that were grown up from seed from the water treatment plant 4 site that are being provided at no cost to the project. In fact, I got a call from willie conrad about a week ago saying, hey, I've got a thousand trees that I don't have anyplace to put them and when do you think you'll be going with this project. One of the other concerns is if we delay the project for a year, we won't have the benefit of getting those trees, we'll probably have to buy trees. Those trees will have to get planted elsewhere.

Cole: Thank you. Mayor, I move approval.

Mayor Leffingwell: Councilman spelman, do you want to second?

Spelman: Not yet.

Mayor Leffingwell: Seconded by councilmember morrison. Motion by mayor pro tem. Councilman spelman.

Spelman: Just a few followup questions. Give me the scale we're talking about. Are we talking about [inaudible] or one-third of the trees from a larger area or what?

I can give you a rough guess. Probably 30 to 40%.

Spelman: So 30 to 40% are trees in the affected area. Are they concentrated in 30 to 40% of the area or

[inaudible] part of the area?

It's -- it's mixed. There's small pockets where we're going to remove most of the trees. And actually in the discussion with urban forestry board and with miss vega, it looks like we may be able to reduce that even further. As we start to excavate, if there are trees in areas that as we start to excavate we're not finding waste we won't remove those trees so we may end up with less than 120 trees.

Spelman: Is there going to be -- [inaudible].

A couple of small areas and those areas are mostly bare today. There are only just a few trees in those areas today. And it's because the trees don't grow well in the waste. And so the -- so in those areas we would be removing all the trees.

Spelman: So in a sense might be a longer term solution [inaudible] don't have an opportunity to grow.

That's correct. The density of the trees within the footprint of the landfall appears to be much lower than in the greenbelt around it.

Spelman: You say you got a bunch of trees to replant. What kind of trees [inaudible].

Live oaks, live oaks, red oaks. I can't remember off the top of my head, but it's a similar mix as what's in the surrounding greenbelt. It's the type of trees that the preserve staff recommended.

Spelman: So it's [inaudible].

Yes.

Spelman: While you are excavating [inaudible].

Well, hopefully we'll get very little rainfall, but what we're doing is for that reason and because we are on a very steep slope, we're actually doing this project in phases. We're going to do the very top part of the waste, excavate, clear the trees, excavate that out, very quickly replace it with clean soil, stabilize that soil and then do the next phase. I think we've got four or five phases so we only have a small amount of the carst exposed at one time and it reduces the amount of sediment that might be mobilized and travel into the carst. There's a certain amount that will happen no matter what, but the way we have the project set up it reduces the amount of sediment that might be mobilized at any one time mostly as a threat to carst and surface runoff.

Spelman: There's no point during this project where you are going to have the whole project exposed at one time.

That's correct.

Spelman: You mentioned two possibilities, one is to cap it. [Inaudible] is there a third possibility removing the trash that is exposed and not excavating the rest of it?

Did look at other options. We looked at doing nothing, we considered that as an option. We looked at just fencing it and leaving it as is. But we felt like putting an 8-foot-tall chain-link fence in the middle of the barton creek greenbelt and leaving it there forever with a bunch of waste in the middle of it doesn't address the environmental risk and it's unsightly and the way we want to do business. We looked at selectively removing exposed waste at the surface. But that is essentially as disruptive as the plan

we've got in place.

Spelman: It would not require excavation of trees?

We would likely be damaging so many tree roots and unless you do it all by hand, you are going to create so much disturbance that you will likely damage the trees that are there. And we really have in an area this big, we're removing a relatively small number of trees.

Spelman: So you couldn't do it by hand. It would be too expensive.

Very expensive and time consuming.

Spelman: If we wanted to get stuff at the surface, a backhoe and -- minor excavation.

But that doesn't deal with the environmental risk and under state law, under state landfall regulations, the city would be obligated to maintain that site and make sure that waste wasn't exposed and the cap was taken care of essentially in perpetuity. And that's one of the benefits of this solution is once we're done with the project, we don't have to worry about it again.

Spelman: Okay, last question. Probably where I should have started, but I want to get it in. What are the public health consequence of the soil or water that is 500 parts per million?

Soil.

Spelman: What are the public health hazards of an area of soil being between 500 and 1,000 parts per million?

I'm not a health expert, but I -- what I do know about lead is it is an in discretion hazard. It causes developmental problems in children. And I don't know how much -- i can't tell you being this is out of my area of expertise how much you would have to be exposed to. But I do know that the state standard is 500 parts per million and that's based on ingestion.

Spelman: Is the state standard usually interpreted as every sample in the lot has to be less than 500 or the average?

Each sample. So if we were to go back and sample is site after we were done and to find areas, have sample that is exceeded the state standard, we would have to clean up those areas.

Spelman: And the direction of state is defined a public land [inaudible].

Any property owner is responsible, not just public land.

Spelman: What are the consequence?

Whether they would take action, I don't know, but there are certainly penalties associated with having contaminated land.

Spelman: There would be a fine associated --

if they chose to take action.

Spelman: Thank you.

Mayor Leffingwell: Councilmember Riley.

Riley: You mentioned that the urban -- [inaudible].

No, they -- actually recommended that we move forward with the project with certain recommendations that they made.

> Action was not required by them.

Riley: And all the other boards.

Yes.

Mayor Leffingwell: Let me just say I'm well familiar with this site. I was on the environmental board that until recently recommended that we do something about it. Because it's not only for the pickup health threat because it's part of our greenbelt people can wander in the, exposed glass and contaminants, but it's wound on to of the recharge. So we are every day that landfill sits there we're getting these contaminants in the aquifer and you pointed out leading to Barton Creek we're also getting the same contaminants. I realize it's a difficult choice to remove trees, but I think the best plan has been adopted preserving the heritage trees, mitigating the rest with the tree saplings is a good plan. I frankly think it's overdue and I'm glad to see it going forward and I plan to support the motion. Any further comments? All in favor say aye. Opposed say no. Passes on a vote of 7-0.

Good morning, Mayor, Mayor Pro Tem and Council. With me is Senior Vice President and Chief Operating Officer of the E.T.C. Institute. Chris is going to come down and present the results of the Citizens Annual Survey. Before I invite Chris to the podium, let me steal a little of his thunder and give you the short version. First, Austinites continue to give the city exceptionally high marks on both service delivery and quality of life. Second, the City of Austin continues to set the standard across the nation for municipal service delivery and quality of life exceeding national standards in nearly every service category. And third, and I think perhaps most impressive given the lean fiscal times, satisfaction with most city services has increased during the past three years despite the cuts we've had to make to our budget during that time. So when we talk about things like Austin being the most livable city in the nation or best managed city in the nation, those are backed by data. When asked to rate the city as a place to live, 90% of respondents -- 89% said they were satisfied or very satisfied. 11% Ahead of national norms. Overall quality of service 65% were satisfied or very satisfied. Not only is that 19% ahead of national norms but it's number one in the nation for cities with populations of more than 250,000 people. In regards to the overall value people receive for the taxes they pay, 13% ahead of national norms and finally highlight and most satisfying, it's a testament when asked to rate the overall quality of customer service received in their experiences with city staff, 69% were satisfied or very satisfied, that's a whopping 26% ahead of national norms. So in short in the eyes of our customers, Austin is a great place to live. We provide great services at a great price and we have great employees. With those highlights to whet your appetite I'm going to turn it over to Chris to go into the details.

It's a pleasure to be back this career. As most of you are familiar with the survey, the city has done it several years and today I wanted to take a few minutes to recap the methodology we use so you are comfortable with the results of the decision making tool. Then I'm going to hit the major findings or the headline story and then I'll walk you through some of the major findings from this year's survey. First off, as you know, the purpose is give objective assessment to how well the city is delivering services. It's great to have public forums but oftentimes you don't hear from the average resident, you hear from those most affected by the outcome or those who have special interests in the outcome. As a result oftentimes you may only hear from people who are negative or feel dissatisfied with city services. This gives a sense to get a sense for what the general public thinks from the average resident about the

quality of city services. We use it to measure trends over time. The survey has been done for these years to get input about priorities. When you see 67%, is that good or bad. We give you comparisons to other communities. As I said, this survey was done exactly the same way we've done it the last three years. We selected a random sample of households, all mailed a survey. We did followup by phone to encourage people to participate and those who wanted to were allowed to complete the survey by phone. It's not a perfect sample, but the overall results have a margin of error plus or minus 2.7%. That means we did the survey 100 times, you would see the same results within plus or minus 3% 95 times out of 100. Fairly accurate, good for decision making. In addition we set up samples so we divided the city into six planning areas and got 200 surveys from each area. If you want to look at different results for different parts of the city, you are able to do that. In addition we managed the demographic competition to make sure it was representative by age, income, race and other factors so that way you can be assured when you analyze the data it represents the different segments of the city's population accurately. I just include this map to give you a sense where the respondents are from. Overall we had good distribution throughout the entire city. My headline story this year is actually good news for the city. Anxiously, the last couple of years most of the presentations that I had given around the country have not been such good news. We've done work for more than 500 cities and counties across the United States including 11 of the 20 largest cities and nine of the 20 largest counties. So it's a pleasure for me to tell you that of the 13 cities in our database with over 500,000 residents, the city of Austin has the highest overall level of satisfaction. Your rating at 65% is the number one of those 13 cities which include the other 12 that are shown in this slide. The average for the -- all cities was 42% so you are 23% above the average of those 13 cities, which is very phenomenal accomplishment. In addition, the city is definitely moving in the right direction. I'm going to show you some trends in a little bit and the last couple of years have been difficult for many communities around the country and you've actually improved in most areas and seen significant areas in the areas that residents prioritize most such as maintenance and some of the other areas you've invested heavily. When compared to other large cities with populations of 250,000 or more, you rank above the average in 41 of 46 areas. You are only significantly below in one area and that was traffic flow and I'll show you that in just a little bit. When it comes to improvements, priorities, streets, sidewalks, police services and health and human services are the areas where if you make investments are most likely to help you sustain or increase your overall levels of satisfaction in the future. And I'll walk through how we reached that conclusion. My first major finding is residents generally have a very positive perception of the city. We asked residents a number of questions on the survey and asked them to rate their satisfaction on a scale of 1 to 5. 5 Very satisfied, 1 is dissatisfied. I'll show you a number of charts in this presentation, if you go to the full report, blue is good, red is bad. If you see lots of blue, that tends to indicate that residents have had a positive experience with city services. The white or the neutral rating is an okay response. People don't actually respond neutral. They are rating things on 1 to 5 so they are giving 3, which suggests they haven't had a real good experience but they haven't necessarily had a bad experience either. When you look at the level of negativity in most of these slides it tends to be very low. When people rate the city as a place to live and overall quality of life, you can see fewer than 5% give negative ratings. When it comes to things like from the second to the bottom overall value core city taxes and fees, most people don't like to pay taxes and if you ask do you like to pay taxes, it would be resoundingly negative. If you look at the ratio of people giving positive ratings, have you 49% feeling positive about the value compared to 22% negative. More than a two to one ratio and the overall positives much higher than the national average. Even on planning and growth, you still rank better than most other large cities. And I'll hold off on the quality of service rating until I get to the benchmarks because that's the real highlight of this presentation. In addition we asked folks in the community to rate specific services, and you can see kind of departmentally how people rated various services and notice as you go through the list everything from the airport to public safety, drinking water, wastewater, a number of services have fewer than 10% of the residents giving negative ratings. The overall positive to negative ratio is phenomenally high. One of the things I found when I looked at the planning questions oftentimes traffic flow is closely tied to that and I think people's concerns about traffic flow planning oftentimes go hand in hand and that's one area where you lag behind other large cities. When it comes to equity of service delivery, one of the big challenges for most major cities of this size of Austin is can you actually provide services at generally the same level throughout the city. So one of the things we did in the report is we prepare maps that show how people in different parts of the city rate services. What I want to share is the overall

satisfaction with city services and what really impressed me is at the end of the day when we asked residents to rate their overall satisfaction with the city services, it doesn't matter where you live but almost the entire city gave the same rating. You see the entire city with exception of one area is in light blue, which generally means regardless of where you live, your perception of city services is about the same. And that's a great achievement for a city of this size. There are some differences for specific services and those are identified in the gis section, but all in all the city has done a great job of equitably delivering services consistent with residents' expectations for services. The third major finding is to look at how you stack up nationally against other large cities. One of the things that we track or what I call the strategic indicators, the perceptions that residents have about the city. They are usually indicators about what's going to happen in the future in your community. People want to be here or not. On the items in this slide, the two that I consider to be the most important questions in the entire survey are the one at the top, overall quality of services provided by the city, and the one-third from the bottom, the overall value that residents get for taxes. At the end of the day, do you deliver services well and do it in way that makes people think they get good value for that. Notice on this chart you are number one in the nation among all the cities this our database at 65%. In addition, the overall value that residents receive for their taxes, you see 13 points above the national average. If we compare you just to those cities with 500,000 or more it's nearly double that difference. You are doing a great job. Setting the standard as a place to live, quality of life and place to raise children all significantly above the national average. When you look at specific services, when we look at things like how well you do customer service, just a phenomenal accomplishment really suggests the culture of the employees is truly unique and focused on what needs are. 90s NOT BY ACCIDENT THAT YOU Are that dramatically above. 26 Points above the national average. That's the average. Other places are trying to be the average and you are at 69% compared to 43%. Affecting communication 54 compared to 40. Nice to see parks and recreation has the highest overall rating of all the major cities that we include in our database. You are setting the standard for management of storm water runoff, maintenance of streets, that's a priority, still something you do better than most other large communities. Even more municipal court system ranked above. There's no areas that rank below the national average of significant outside your drinking water is a little lower but I think some of the challenges you and other cities in texas have had with water this year is the contributing factor there. When you look at how you stack up on parks, I just included this side so you could see how you stack up head to head and you are number one compared to a number of other communities including some other major cities in the state of texas. When it comes to public safety, when it comes to your police service, how fast -- or how quickly emergency police respond, overall perception in the enforcement of traffic laws, all of those areas rank significantly above the national average. You see the fire timeliness is a little lower, and again, oftentimes when we see traffic flow issues, that tends to tie into the timeliness perceptions there. 87% is extremely high. You can see it's a little lower than a few other communities but not significantly below average. When it comes to perceptions of safety, at the end of the day if people don't feel safe where they live particularly at night that's a big problem. You see in austin the average is 12 points above the national average for other large cities. One of the things I think is critical what do people think about your parks systems. You can see people in austin are significantly more likely to feel good about going to their parks then people in most other large cities. When it comes to maintenance, you can see, as I mention, the traffic flow is the only item on the survey that ranked significantly below average, but the condition of your major streets and neighborhood streets ranks significantly above other communities. That's still a very important area to residents, but you are generally doing it very well compared to other big cities across the united states. And you can see in your parks and recreation system, you rang above average and I want to highlight the overall satisfaction with pools and hiking and biking trails, those are exceptionally high compared to cities. Finally, neighborhood services, the services people typically use often every day or every week, things like your -- bulky item pickup, recycling, overall cleanliness of streets, things people see every day and you are double digits above the national average in most of those areas. A tremendous accomplishment. One of the reasons you have such a high overall satisfaction rating because you don't really see any deficiencies. Most cities I go to have some area or some areas that they rank below in. Really outside of traffic flow you are doing a good job in just about every area of service delivery which an exceptional accomplishment. The other thing is not only are you doing well compared to everybody else, you are moving in the right direction. One of the things we've been tracking in our survey is we have a composite index that shows not only how the city overall changed

and we also have done this by department for questions on the survey. What this chart shows is the composite index which is really the sum of the result 2009 and we look how did they change in 2010 and 2011. You've had steady stair steps that have gone up so you are moving in the right direction. Other large cities saw a big drop, they've rebounded this year, but this was based on a spring survey we did. Your survey was done after August and into September. Since then most communities have seen lower ratings because of the issues with debt, loss of confidence in government. So despite the fact you still have outperformed other communities, I would suspect you would have done better had we been comparing you to a fall average versus a spring of 2011 average.

When it comes to issues or some of the areas of public safety that are related, again you sustain relatively high levels, but you will see things such as the speed of emergency police responses up significantly compared to two years. The overall perceptions of the quality of police services are also up significantly. Again, police services has been one of the top priorities. What I see you doing is improving in the areas that residents have cared the most about. No better way to respond to citizen needs than to do better in the areas that they are most concerned and prioritize the most. When you look at overall maintain, lots of blue arrows, you have improved significantly. Conditions of neighborhood streets, traffic signal timing, bicycle accessibility have all seen significant improvements compared to two years ago. In addition when we look at some of the environmental service, you will see that the overall perception of water and wastewater utility response time is up. Decrease the water quality of lakes and streams, I have a sense that it is a function of the drought that you have been experiencing here. Finally the recreation and cultural services general sustained relatively high levels. A few decreases but you can see the overall significant changes compared to a year ago involve the qualities of facilities, city parks and perceptions of adult athletic programs went up significantly compared to last year. That I guess I didn't include residential and neighborhood services. These again are the services that often impact the services the most. Residential yard waste collection, cleanliness of the neighborhood, things like household hazardous wastes and then code enforcement have all moved in a positive direction compared to last year. If you look the a the two year trend, particularly on things such as residential yard waste collection, you can see real significant improvement from 2009 to 2011. When it comes to some of the priority or investment, one of the reasons that we reach the conclusions that I presented at the beginning of this presentation is we not only look at how satisfied residents are, but also at how important they think those services are. The reason for this is suppose that everyone in the city was dissatisfied but nobody cared about it. If you go out and spend millions and millions of dollars nobody is going to care. What we want to do is balance the importance with how well you are doing to help identify which areas would probably have the biggest impact on overall satisfaction as you move forward. We really have two ways to do this. If you are a left brain learner and like lists, numbers and order we have our important satisfaction rating. You can essentially see this takes the importance, multiplies it times one minus the satisfaction. Satisfaction goes to 100, this value goes to zero, importance goes to zero, this value goes to zero. The higher the rating, the more likely investments in this area are going to impact overall satisfaction and you can see streets and sidewalks, public safety, and then you can see overall quality of health and human services provided by the city, the top areas from this regard. Similar, if you are a right brain learner, you like charts and graphs, this is the same information, but what we plotted as you go from left to right is the importance, things that are less important are on the left, things on the right are more important. And as you go from the bottom to the top, this is the overall satisfaction rating. The things that stand out are those in the bottom right, and also those that are to the far left and the upper right quadrant. Those are things that should either be significant opportunities for improvement because satisfaction is lower and the importance is higher and those are health and human services and maintenance issues, public safety should be continued emphasis because of the high level of importance people place in that area. Just to summarize things as I said up front, the city is clearly moving in the right direction. Overall composite index improved. Overall satisfaction particularly for areas that residents cared the most about in the last survey such as maintenance and police have seen significant improvements which shows that you are allocating your resources in areas that residents care the most about. I think because of that, that's one of the reasons that you are seeing such high ratings overall. Compared to other cities, you are number one when it comes to overall satisfaction among those 13 cities with more than 500,000 residents that are in our database and to stay there I recommend that you continue to emphasize streets and sidewalks, police and health and

human services over the next couple of years. So with that, I don't know if there's any questions, but I would be happy to answer them.

Martinez: Mayor?

Mayor Leffingwell: Thank you, obviously a very good report. We're glad to get it. Councilmember Martinez?

Martinez: Thanks, mayor. I think I agree it's a good report. Really impressed with some of the positive responses, obviously a testament to our staff and the city manager and his team. What I would like to see in addition to this, I think this is good, where are the measurements as to how many austinites are below the federal poverty line, how many austinites are without health care coverage and how many children are not doing well in school not in after school programs. Those are things that I think in addition to this really give us a sense of how well we're doing. I'm very glad that we're number one in our parks department. Great. If you are a kid that doesn't have insurance, below the poverty line, what good does that do you? Are you able to experience that nationally ranked parks and rec center if you are one of those children. For me, mayor, I think that is what I would like to see in addition to this stuff. This is a good start. The other thing that I would suggest, city manager, is that we do this on a more permanent basis. So in my mind, I don't know if I'm left or right brained thinker, maybe I'm a blend of the two. Because here's what I see when I see you comparing austin to itself over the last three years. Why don't we create on our new revamped website, why don't we create a dashboard, just like you would on a vehicle. You put these areas of priority on that dashboard. Just like in your car, you are either operating in the good or medium or bad zone, but gives us in our community a sense of not only what our priorities are, but where we need to focus our attention at policy makers. So if we have an increase in homeless population, that goes to the red side. We realize as a council we need to make sure that austin is truly number one for everyone in austin. That would be a suggestion that I would like to continue a conversation with all of you as well as the city manager as to how we put this on a more permanent basis where citizens as well as policy makers and city staff can track ourselves throughout the year as opposed to just once a year.

Mayor Leffingwell: City manager do you want to respond to that?

I think those are all good suggestions, councilmember. However I would note I don't think this particular survey was intended to measure those things, albeit again I think they are worthy of, you know, study and sharing the results of that kind of survey effort. So we are happy to engage you and the council as a whole in that conversation. See if we can design an instrument that will get at those issues and other issues I'm sure related to that. We can share that information with the council, we will be happy to do that.

Mayor Leffingwell: Councilmember Tovo?

Tovo: I want to thank my colleague for his important suggestions, I think those are really critical concerns. I would suggest that the community action network community dashboard may provide some of this information they have worked with their many, many partners to show how poverty among children is increasing, how the job rate in central Texas is increasing. I think there is an opportunity to perhaps look at the information that that dashboard is tracking and see whether there are any elements that are specific to austin or, you know, information that they are not collecting that we might want to. But I think that will offer us some of the information you are seeking and it's grim frankly. I think we do need to have it always before us because there are some important policy implications among looking at those trends of poverty and scarcity of resources like housing and food and others in this area. Looks like he has a comment.

I needed to chime in that the community action network of course does monitor a lot of those metrics, the health department does. This is survey data, we can provide a report to council in very short

time in regard to those metrics being tracked and the communication action network we can provide you that information. In regards to the dashboard concept, you may recall last year we released a new publication, annual performance report, on top of that was 24 dashboard indicators that graduates from our academy helped us to identify. The plan is to get to where those metrics are on the web and they could see graphical representations of how we are doing at any point in time. They are things that move. The citizen survey really only moves on an annual basis, we publish it on an annual basis. But we thought in terms of looking at dashboard type of indicators, they should be things that move from month to month or quarter to quarter, so we can see how we're doing in different areas. That's just to give you a taste for where we're headed with some of these things.

Thank you for that additional information. I do wonder if there's an opportunity, perhaps you have collected demographic information about the people who have responded so we can see who are the members in our community who are returning these responses because I do think there's a big difference in how you experience city facilities and city resources depending on where you are on the economic spectrum. I think that correlation might be very relevant.

We actually geo coded the home add and collected a number of demographic characteristics about the respondent. That way if you want to take a low how did low income respond to upper, how did seniors respond to people who are younger, that information can be done.

Tovo: I think that would be really important. I appreciate again my colleague, councilmember martinez, for raising questions that prompted that. I think that is really an important piece. I have a couple of specific questions. On page 9, there's a question about how well austin is planning growth. There was a fairly large body of the respondents who sounded negatively. They are dissatisfied with it. Do you have a sense of what they are dissatisfied with?

Yes. One of the things that i notice is there's a strong correlation between people dissatisfied with traffic flow and that question. I have seen that in other communities. Oftentimes people correlate poor planning with too much traffic, I think that's one of the contributing factors. One of the areas with the most dissatisfaction, traffic was the only item where you ranked below other like cities, that's one of the factors. I can't say that's everything but probably a significant contributor.

Tovo: That seems very likely explanation. You know it was really a delight to see how well the parks and recreation compared to other cities. I just want to say that it looked like, you know, in looking at the perception that residents have of the city, one of the top rated items was the satisfaction with austin as a place to raise children and I think it's very linked to the other things that you are measuring, but I want to say it also speaks to the need to continue to invest in our parks and recreation facilities because that has a significant relationship with how the people experience the city as a good place to raise children. I would say in looking at the specifics for parks and recreation which appears on page 30 we have experienced drops in the last couple of years, some of those elements, appearance of park ground, satisfaction with aquatic programs, quality of youth athletic programs, the overall performance looks great compared to the rest of the city, but I do think that it a message to all of us to continue to invest and make sure that we are not continually cutting the programs that contribute to people's satisfaction of those facilities. Then I have two last question, that was my editorial comment. My last question was on page 25. Quality of electric services. That also dropped in the last couple of years about 3 percentage points. Can you give us a sense if it's the quality of the service or if people are concerned about rates or were there any questions that --

unfortunately we don't have a lot of other supporting questions, that's hard for me to interpret whether it's reliability, whether it's rates. I know I've seen in other places around the country people are more sensitive to rates because of the economic situation. That could be a factor. But from this survey we really can't determine exactly the cause.

Tovo: Then the quality of parks and recreation programs facilities on that same page, I'm having trouble

read thank first number and determining whether it's 76% or 78%.

I unfortunately don't have that up in front of me. We can get you that.

Tovo: That's good. That would help us know whether it's dropped 2 or 4 points since 2011.

Apparently it's 76%.

Good. Thank you very much for this information.

Cole: First I wanted to follow up and -- with councilmember tovo's line of questioning about the quality of the electric services and I understood you to say well you don't know exactly what may have caused this to drop, whether it was reliability or rates or what. But if I were to guess, because we haven't raised rates in a long time, I would think that this was a comment about reliability. But if there's any one item that I think we do need additional information on that I would give, ask the city manager to get, is the meaning behind the drop and also the continued emphasis and it was also put in the category of higher importance, but also higher satisfaction. So I just think that we need to wrap our brain around that number a little more. Also, I wanted to go back to the planning issues. And see if we can get a little bit more insight into that. Because we spend a lot of time planning on a lot of fronts and I don't think that it's always evident how crucial that is, but still it's put in the category of low importance and low satisfaction. Can you give us any insight into that?

I would let Chris give you insight maybe into the importance, but I can tell you from having looked at a lot of different surveys done by different firms, satisfaction with planning services never does that well. So you look at our result of 38 speaker, it's 3% above national average of our comparable cities, we are actually doing better than comparable cities. You think about the planning department, also the department responsible for inspecting, permitting, basically regulating what you can do with your land use. People do not like to be told they can't put a shed two inches from their neighbors house because it's my property. I think by the very nature of the planning department and the types of services they provide there tends to be a lower satisfaction in that area. But that's a common result when you ask people how satisfied are you with different services.

Cole: I guess what I'm getting at, it doesn't advise me that there's lower satisfaction for all of the reasons that you've stated. But it does surprise me overall the extent to which it is ranked as not very important. Because we hear so much about the satisfaction and the fact that things don't either move fast or we spend too much time or resources on planning. And I'm trying to reconcile that because if that's true, then why is it not very important?

Well, the simple answer is because you're doing generally fairly well in that area. In communities that do not do well planning, that is a high priority, it's in the bottom right, and it becomes one of their flag ship areas to emphasize in the future. When you are doing planning well and again all communities tend to get lower ratings for planning. But when you are doing it fairly well, people don't care as much about it. So as a result when you ask everybody in the city not that many people are picking it at their top choice. They are picking the public safety issues, picking things like maintenance. When you don't do planning well at all, it becomes your number one issue. Typically when you are looking in that bottom left quadrant, less satisfied lower importance, those depends to be your special interest items oftentimes, where there are a few people who are very passionate about it, the number comes down with regard to satisfaction. But at the end of the day there's not that many people city-wide that are really pressing the issue as a priority. That's a place where you want that issue to be. If it becomes your number one issue, that means that people are now more concerned about your ability to plan so you are equipped to do public safety and you are equipped to maintain. If people indict your ability to do those, then planning will be the top issue. But right now planning is a lower issue because frankly I think the overall direction the city is headed is fairly positive for most residents, but there are some who are very concerned and you are likely to hear that from people which may be the reason that surprises you to see it in the

bottom left.

Okay. That's a good explanation because it was just -- it didn't reconcile. It also surprised me that other overall quality for health and human services was listed in the bottom right corner meaning that it had high importance and lower satisfaction because we spend a considerable amount of resources on health and human services and also resources in terms of staff and also monitoring resources and also council attention. I also believe that we also do more in that area than many other cities. So can you explain that?

Yeah, one of the things that I encourage you to do when you look at these results, sometimes some communities are doing really well in an area, but the community at large doesn't know about it. If you actually are doing a lot in the area of health and human services, your strategy may be related to communication, letting people know what's available, letting people know what's being done. Because remember the survey is a function of what people's expectations and knowledge awareness of are services so if they don't know things are happening in that arena, they are concerned, think the city should be doing something because of the current economic situation they are likely to place a higher priority on it and be less satisfied. Sometimes there will be priorities that can be addressed through education, if you are actually doing a lot in that arena. That's what I would probably recommend. If the case is that you are doing a lot in that area.

Cole: Taking what you just said about needing to do more communication about items that we are actually doing a lot in, I noticed that the effectiveness of city communication is listed as not really important and not satisfactory. So help me understand that.

Well, at the end of the day again most people -- if you don't communicate well, it will be a priority. If you do communicate well, it goes down the list because people aren't as concerned about it. In this community people generally think that you are doing a good job communicating, so they're going to prioritize other services ahead of that. When you know -- when you don't communicate well, then people are going to start putting a higher priority on communication. But your overall communication rating is one of the highest in the country, which means that you are equipped to probably educate people about some of those services that you are doing something about. Sometimes there's a lag in the time between the investment and action by the city and the awareness by residents. There's one city that we did a survey, they built a brand new city hall with 200,000 residents and the overall satisfaction rating went down the next year because no one visited it. It took them a couple years and people visited, suddenly the ratings went up. One of the things when you look at the survey, if the results go down that can be a matter of awareness. The survey has a lot of resources, not just how well you are delivering it, but how well are you educating folks, particularly for services that may not be consumed by the vast majority of residents like health and human services and such.

So would it be appropriate to assume that our council priorities should focus on quadrant 4, which is stated as opportunities for improvement.

With the extent that your resources are available. In other words, that analysis suggests that everything in the quadrant would be kind of equal value. Obviously a dollar this one area may have a different impact than a dollar in another. You should certainly take that into consideration. But all in all, the last couple of years, police and your maintenance issues have been your top priorities for your residents. Those have been the areas that you have seen some of the biggest improvements on the survey. I think that's one of the ropes that you have done a good job prioritizing based on the results of these surveys in the past, I would encourage you to do essentially what you have been doing in the future.

Cole: Thank you, MAYOR.

Mayor Leffingwell: I don't want to obscure the issue too much. This is a fantastic report. A great report. When you are the top city in the united states of mechanic, top large city in the united states of america,

you are doing something right. So this to me without overanalyzing the details of it, is a great report. Also I want to note that the most important things, public safety, the top three, water, drinking water, and street maintenance and sidewalks. All of the years that I have been on council, number one has been public safety. And the reason it's been number one priority is because that's what makes everything else work. Streets, of course that's something everybody in the city encounters every day. And that's why these things tend to be number 1, 2, 3, as usual. Health and human services, 4, to me that's the most important statistic in this entire report. What are the most important services that we provide for our citizens. What do they think are the most important services. Of course we need to focus also on -- on where we need to improve. Where -- but that is secondary, certainly we need to -- we need to keep our eye on the ball. So -- so I think that I've kind of overanalyzed it myself. Councilmember Spelman?

Spelman: Thank you, mayor. Nobody [indiscernible] I may as well mention that I would like to congratulate you on your choice of color scheme. Blue is good, red is bad. I won't der whether you have to use a different color scheme making this report in Indianapolis or Dallas.

[Laughter] I guess that was a rhetorical question, although it would be interesting. It's great to be number one, but I wonder whether we are number one in the coach's poll, the sports writer's poll or in the B.C.S. You've got this helpful little number one marker on some of these bar charts. But only a few of them. I think okay there's probably other cities that could with some justification claim they are number one just on slightly different characteristics than we are. Is it I guess is that there are three or four cities of these 13 that are consistently really good. Three or four that are consistently really pathetic. And a bunch in the middle. And Detroit just is rumbling along the bottom of the pack just because they haven't got any money, a lot of we are up there with a couple or three other cities, is that right.

Actually your neighbor to the south is actually one of the best rated cities as well. San Antonio. Interesting that the two of you perhaps create an environment for excellence or quality of life and services, but yeah that's true. That question when we based the rating is based on the same question, administered the same way in several cities. So your ranking is objective in that regard for that specific question.

Spelman: One of the great things about this survey being done in so many different places we have an objective basis of saying we are doing better in some respect at least than other cities are. Which I think is the great opportunity. If we found that some city increased in some respect by a significant amount over the last couple of years, that would be a good suggestion if we are looking at doing a best practices survey, we might go to that city saying well what did you do differently over the last couple of years maybe we should look at that. Some city that is consistently better than we are, although we are number one in some very important categories, we are not number one in every single category at all. If somebody else is consistently doing better than we are in some respect, it gives us a better sense of what they are doing might help us. Is that information going to be available to us in your report.

It won't be in the report. But I will work with city staff to identify. I do that routinely with many cities where we work. That way if you want to take a look at a certain area, you can ask us who are the high performers, oftentimes who is improved the most. That gives you the indicator of what changed. You might be a high performer, you may not know how you got there in the first place.

Some city had a problem and we were able to resolve the problem, it could be -- exactly.

The shadow of that problem we can solve, too. Okay. That information would be available upon request. But it's not something that we should -- not readily distributable.

Correct.

Okay. Got a last question for ed, if you are willing to answer it. I think you mentioned a few minutes ago that information from this survey is going to be one small part of the dashboard that you are going to be putting up online fairly soon and it is already one part of the community assessment which you gave us earlier this year which I assume you will be giving us every year. What do you think is the proper way for us to be using these results? What's the best value that where he can get out of that?

I think one of the best values of the citizen survey, one of the reasons that it's sponsored out of the budget office is to help drive budget decisions. As professional staff we have a responsibility to 800,000 citizens. Sometimes in town hall meetings or public hearings we only hear from 10 or 20 of them, this is randomly sampled, scientifically valid within all of the statistical competence levels that Chris talked about, I think it gives us the staff the overall reflex of what the community's priorities are, how good of a job we are doing, where they think we need to improve. This is fundamental. Why we need to launch it right at the beginning of our budget process, if you don't mind me saying, of the 2013 budget process we're talking about with the community, how are we doing, where do you want to see us improve, what kind of value do you think we are getting for your taxes, we need to use this information for budget decisions.

The lbb takes about six months off after a session, you guys only get a month. My apologies for that. This is going to be informing your budget process, it's informed it in the last couple of years.

Absolutely. I think if you look at some of the results like Chris was talking about, police services routinely comes out to be the community's top priority. We have been experiencing difficult financial times and made reductions in certain areas of the budget. We have not slowed down on adding police officers and you have seen the improved satisfaction with the people with the quality of police services. Traffic is another priority area. And when everybody else was digging and basically pulling back on their capital programs, the city of Austin, Accelerate Austin, we took advantage of these good construction prices and did more street construction than we ever have in the past. Can you see the results in the survey that we improved significantly in those areas. It has guided our decisions. I think reaped the benefits of it and I think we need to keep doing the same thing.

Councilmember Morrison.

Morrison: Thank you, I appreciate this. It's fascinating. I did get an opportunity to see up close and personal the survey because I was one of the samples. People. Population. That was a lot of fun. I kept looking for the questions that said how satisfied are you with your elected official. But it wasn't on there [laughter]

Mayor Leffingwell: Was that on there?

Morrison: No.

[Laughter] or if it was, they didn't report it. But no. It wasn't on there as far as I know. So in terms of the full report, will we be getting a breakdown of these answers by geogr area and demographics.

We will generate a number of cross heads. I believe in the main report, appendix shows it for the six planning areas. A number of other appendixes that we will develop following the presentation that will show results by income, age, other factors. If there's something specific that you have in mind, let us know and we will gain rate it. Otherwise we will generate our usual set of cross tabulations for the city that we've done in the past years.

Morrison: A lot of times we hear about cases where folks feel that there's an inequitable provision of

services based on geographic area and it would be -- and I think that everybody has been trying to be conscious of that. Sensitive to that. Improving in that regard. And it would be particularly interesting to see if in areas where there is less satisfaction with service if that's changed over the past year. So I think that would be really helpful information.

There will be a set of maps in the report similar to what's been in the last year, you can almost compare those maps side by side if you are interested to see how specific areas have changed. But just remember the maps, the number of respondents per area is not statistically valid, so it may or may not be a reflection of the current conditions. It's more of a guide rather than an empirical tool.

Then to the question of how do we use this information. I'm wondering, especially if we are looking at for instance health and human services that showed up, did we not measure it before or did it just show up for the first time as a top priority.

I believe it was high last year as well. It's becoming a bigger issue nationally, which is one of the reasons why perhaps it's more noticeable this year than previous years, but it was ranked higher than that.

Morrison: So I'm wondering if there are things, I don't know if this is -- who this is a question for, but for us to be able to delve a little bit deeper into the sense of need and health and human services, it's easy to say well we just need more. And more resources to provide. But if there's any way that we can understand at another level to guide our budget process.

What I would recommend, we've done this for other cities, you take a look at the results for the low income respondents, certain groups more likely to be user of health and human services, compare those results to demographic groups that are not likely to use. Find out whether or not there's a difference in the rating. If you find out those who are likely users are giving good and those who are not are not giving good ratings, it's an education issue. The general public doesn't know about the services and concerned they are not there. If on the other hand those who are likely to be user, lower income groups et cetera are less satisfied than general public, it's about the quality and the level of of the service. That's something we can probably work with the city to take a look at.

I think that would be very interesting. My guess is that it's about the level of service because the demands for our health and human services are hugely beyond and I don't know if -- I guess that's a lot of the work that we do in public health and human services and also in the community action network is looking at how best to invest our own funds and I think -- I think actually the community action network is going to be doing good work this year to compare who is doing what with their health and human services fund and see if we can identify gaps, things like that. So I think that all -- this will be very helpful there. And -- and I think in terms of public safety issues, you're talking about -- I hear you say well if something is being done well, then people think that it's not very important. But obviously public safety is in the category of perceived as being done well and it's perceived as being very important.

My statement wasn't a universal truth. It applies in some situations. Services like public safety, some of those other services which are multi-tale important to a city's health and the desirability of being in the city will typically be of the upper right quadrant. Those are things that you do well and should be continued to emphasize. So that's kind of when you look at the four quadrant, something like public safety is the inverse of the bottom ones in the left. Those are services that you should continue to prioritize even though you are doing well.

Fundamentally it's always going to be high on that scale, I appreciate that.

I do think that if folks will recall during our budget discussions, councilmember spelman had made some suggestions about looking at different ways to invest in public safety which brought up a lot of concern for some folks. But I think that a lot of people are interesting in trying to have a rational conversation

about that. I think this is the kind of thing where for instance if we look at how well we are doing in terms of perception about how well we are doing, along with relative safety rates and crime rates and things like that and we are doing well there, the logic would be -- well, to improve we might improve by education instead of changing services. I think if we proceed about that conversation about how best to invest our public safety dollars that this can be helpful and -- in having that conversation. I'm also very -- I want to echo the -- the comments that councilmember martinez made about looking at the dashboard of how well we're doing as a community and as councilmember tovo mentioned, the community action network is now in its -- it's been an effort ongoing for three years. The first year was a planning year, we have a community dashboard out for this year and now next year. We're going to be able to start seeing for the region really critical ratings, you know, about health and public engagement and income and food security and things like that. And so I'm going to probably suggest to our public health and human services committee that we get a briefing on that so we can think about how we marry some of the things.

Mayor Leffingwell: City manager.

I just want to take this opportunity really to acknowledge chris for your fine work on this. Once again this year we really do appreciate all of the time that you and your staff, your firm puts into this, to bring us this kind of information. Obviously we all recognize the importance of it. I want to thank ed for his leadership in facilitating the process enterprise-wide, community-wide every year, thank you for your efforts. Council, we do appreciate hearing your feedback today, very much. That helps to continue to inform our efforts as we continue on the path of making austin the most liveable and best managed city in the country. I do think this report card is truly exceptional. I think that's already been spoken to in substance as a report card. If I had to take one like this home to my parents i would be pretty proud to do it, quite frankly. As it goes with this kind of performance, you know, it's not about the few, it's about the many. I'm talking about all of the city of austin employees who have everything to do with the results that you have heard today. So I also speak to extend my heartfelt appreciation and thanks to all of the city of austin employees for this kind of performance and results. [Applause] may I also say this report reflects very well on the city manager and his staff. It's obvious that they've done a good job. And I want to commend you for it. But I have to end with a story. And it has to do with data. And it's an old airline story. The analysts were looking at flights to try to get some indication of where to best apply their resources and assets. And make adjustments where needed. And so they found this one particular flight between city a and city b at a certain time of day and they looked at that flight and they said over the last year, this flight has not shown any improvement in load factor. We have haven't had any increase in traffic over the last year. So they canceled that flight. And then it turned out if they looked into it a little more that the reason that flight hadn't shown any improvement in the last year was because it had been full every day. So it was a big mistake. So you have got to -- again you have to be careful about how you look at the data. Give yourself a reality check. Thank you very much. I appreciate it. Just have a few minutes before we take up citizens communications. 7 being pulled by councilmember tovo. I think we can address that. We do have one speaker signed up. Pat johnson, pat johnson. Pat johnson is not in the chamber. Councilmember tovo?

I have a couple of quick questions for staff on this item, please. I think I'll start asking them as you're coming up just in the nature of time. Certainly the repairs that you are talking about sound critical, renovations to the restroom, the crafts room, the hvac system. But I would like for you to address how this might interrupt current activities at this recreation center. This is, as I understand, the only center within the parks and recreation system that offers programs to users with special needs and so it's of critical importance, I think. I have also heard, you know, that those programs are in high demand and not always an ability to meet that demand. If you could just give us a sense of whether any of these programs will be impacted.

Kimberly mcneely, interim direct director of parks and recreation. On that particular campus there are two buildings. Only one building is going to have the hvac and the renovations and the other building will be available to accommodate any programs that may be impacted. So what would happen is that there has been a conscious effort to schedule this particular renovation during a time when the weather would

be the most conducive and the programming would be the least impacted. What would happen is any programs that might be impacted would move over to the other building, but we actually see it as being very minimal impact.

Tovo: How long will the renovations take.

From the time that the contract is awarded it says 135 days for that to be taken care of, that looks like it would be december, through december, january, february and march, so we should be completely finished, in my understanding is, by april.

Tovo: So that's a good four or five months, but there will be no diminishing of programs, they are all just going to move to the other building?

Uh-huh, we have made arrangements if there were impacts that they would be moved to the other buildings. The hvac is actually in six different units, when that particular renovation happens, it won't happen all at once, it would happen one unit at a time, those units are in specific areas of the building. Even though the hvac would be worked on it wouldn't impact that entire building anyway, only a portion of that building. So the classes that would be impacted, some of them might really just be office space, which is minimal impact only to staff. If there were classes they would either be moved to another area of the building or to the building which is on the same campus, just right across the driveway.

Tovo: I see sounds like there won't be a lot of time where the whole building is closed -- room by room.

We don't expect that to happen at all. The program that may be impacted is jazzercise, it would be impacted bus on the day when that particular zone is taken care of, the air may not be on or the heat may not be on. We can redirect air with fans or we can let participants know it's going to be a little cooler but we don't anticipate that would stop the program from happening, but the climate control would be different.

Tovo: Thanks for that additional explanation, i move approval of this terminal councilmember tovo moves approval. Seconded by councilmember spelman. Comments? All in favor say aye.

Aye.

Opposed say no. Passes on a vote of 7-0. That brings us to our citizens communication. laura pressley, the topic is the dangers of flurodization. Dr. presley is not here. Next speaker is darcy bloom. Topic is fluorid nation.

Fluoridation nation, it's pretty much to the point of being criminal. No seriously. Were facts, realizations, comment outweigh the possibilities that this practice should continue. They tricked you, too, councilmembers since you were children. That will not let you off the hook of responsibility. How many times do you have to hear that the cdc warns not to use tap water, fluoridated water in infant formula for those under one year's of age, even two. This is undeniable and irreversible of the effects of the little ones. You have to have dozens of meetings or ask the water utility on how much it will cost to include something like that on a bill. Not even a small letter box with some yellow behind it or anything. That is where being off the hook comes in. When it becomes known more and more about just the subject of infants themselves, from the cdc and that y'all knew this for quite some time and did nothing, that's where your responsibility of allowing this crime to continue without so much as a small warning to us will be on your hands. Although at our foods, overprocessed, overcooked, dead, no useful enzymes, preservatives, chemicals, dyes, 15,000 or more people died from pharmaceutical drugs a couple of years ago. 3 Million in over two decades. Okayed by the government f.d.a., this is the norm. But other remedies and anti-sufferings are illegal, demonized, ignored, unpatentable, no money or monopolies can be made by these companies, so they actually make stuff that kills people. More dangerous than

street drugs combined. But it's the norm. The big government and bank takeovers of billions of dollars just flew around and went whenever they went in pockets, bonuses and we know this, that really happened. It's okay. It's the norm. And life, do-do-do, just goes on. My point these are the same people and ideas that sell fluoride something that we know was never good or right or healthy to a human. But it's the norm. It's the norm to be allowed to be tricked and consume whatever the large money makers are putting out because it's all about the money and control. Am I right? I think that you had better believe it. I really don't want to be an agree or frustrated to y'all over this. But these clearly obvious inactions, these non-existing initiatives, fuels that. Don't you get it? Is everybody just dead inside? Up there, out there, is this whole damned country a bunch of puppets? Because ultimately when people find out and realize this and realize that y'all knew all along [buzzer sounding] and did nothing, at least something --

Mayor Leffingwell: Thank you, mr. bloom.

Oh, boy.

Time expired.

No questions or anything towards me at all.

Mayor Leffingwell: Next speaker is velia urrutia. [Applause]

Mayor Leffingwell: I may not be pronouncing that right. Velia, will you please correct my pronunciation of your name. mayor, councilmembers. I want to thank you for your time in allowing me to be here and plead my case before you. I'm requesting your help to resolve a city code violation for 11/15 austin highland boulevard. ON FEBRUARY THE 20th, 2007, I was issued a building permit to construct a carport. I hired a contractor and he built an attractive structure as you can see. In August '09 I received a certified letter from code enforcement. They said my carport did not have a valid building permit. I told them that I had an approved permit but they said it had expired. Because the contractor never called in for final inspection. The officer said my property was one of 10 properties that were reported by an anonymous citizen after he was cited for building an illegal carport on his own property and this was his retaliation. I reapplied for a permit but was told it could not be issued. The board of adjustments variance was first required. Because my carport was in a setback area. I asked why the original permit was issued without requiring the variance and was shocked by the answer. After the city issued my original building permit, they changed their copies by crossing out the word carport and writing in covered porch instead. Nobody notified me of this change and I built a carport for my permit. My board of adjustment variance was approved on March of 2008-2010. And I went back to get a new building permit. But was again turned away. I was told to resubdivide my property because before a building permit could be issued, because the plat also showed that the 25-foot setback. The new plat will -- will cost \$10,000. Just to remove the setback line and unless I obtain the notarized signatures of all 44 other lot owners within the subdivision. The new plat can't be approved. I paid \$3,000 to build the carport and would never have constructed it if I knew these additional costs would be required. We contacted city council members Martinez's office for help and were told that a new amnesty ordinance was in the works. We waited patiently for nearly a year for this new ordinance. We went back to the board of adjustments in March of 2011 to ask that -- them to extend their variance approval for another year. So it wouldn't expire. I finally was given a copy of the new ordinance in May of 2011 and realized it wouldn't help me because it only approved amnesty for code violations that existed prior to 1986. [Indiscernible] sent to me with the city staff members. First Kathy Hock, then John McDonald, THEN ROBERT Alvarado, then Don Burkener, Leon Barber and then Greg Guernsey, the city staff --

Mayor Leffingwell: Thank you, ma'am. Question from councilmember Morrison.

Morrison: I wonder if from the city manager if we could ask someone to work with Urrutia and get back to us

to see what options that might be reasonable. To pursue.

I would be happy to get with staff and follow through with that. guernsey might have a comment. I didn't realize that you were there, greg, do you have anything to add.

Greg guernsey director of planning development and review. On the property I understand there's a building line. It's not something that the city enforces today because we usually put a plat note in. But when the subdivision was created it was not uncommon for building lines to be put in that would match a zoning line. Unfortunately, building lines exist on plats over most of central austin. Some are much greater than the 25 feet. For instance, pemberton heights it's 40 feet. For many of the lots and although our requirement is 25, we respect the limitation that was placed on the subdivision plat at the time it was created. So the property opener did go through the process. Was successful getting a board of adjustment variance, but I'm unable to approve a variance from that building line because it part of the subdivision plat and not part of our zoning requirements. So I have been in discussions with the law department about possibly not enforcing building lines within the city of austin. There are several issues that were raised when I had that discussion because we have historically enforced building lines. So there would be quite a bit of excitement where our zoning regulations may speak to a less restrictive requirement than a more restrictive requirement. I always pick on pemberton heights as an example because then we would start approving building additions 25 feet from a property line instead of 40 feet. I want to bring that to your attention. Several years ago I'm aware that we actually through our delegation at the legislature was to see if there was a way that -- has we could change state law -- that we could change state law to make a provision that the board of adjustment variance would be applicable to building lines. Unfortunately that didn't go too far. But that was the only other attempt that I'm aware of, of us trying to find secondary relief for this issue.

Morrison: Well, you know, it's interesting to me. I see we have another speaker on this topic. But one thing that doesn't quite line up for me is we don't enforce restrictive -- restrictive covenants on property so it feels a little inconsistent.

In there are private restrictive covenants we don't enforce them. Many may prohibit businesses or speak to the color of the building --

Morrison: Some that are clearly illegal would be illegal for us tonight force.

Certain amount of the building made out of brick or stone or even the type of roofing that might be used. There are public restrictive covenants that are a direct party to that we would enforce on a property that you do, typically when you 00 zoning sometimes the restriction is that the owner agree to abide by, we do enforce those types of restrictive covenant. The city of houston under state law has some ability to enforce private deed restrictions by virtue of the state legislature having changed texas local government code, but that courtesy does not extend to our municipality.

Morrison: Okay. Thank you.

Next speaker is jim wittliff on the same topic.

Thank you, mayor. Councilmembers. urrutia's case is unusual. Unlike some property owners that ask for amnesty after the fact for unpeopled improvements, I want to remind you that she first applied for and was granted a building permit before constructing this carport. Also unanimous support for her required set back variance. However because it had a set back line drawn on it, she's now required to first have i indicate and then replat just to delete that line from the plat. Also a 100% written approval from the 44 property owners this that subdivision, even if one of them does not sign the plat, she can't get the plat approved. She's got to tear down the carport. I am troubled by the city's requirement to replat her property for two reasons. First, she should have been told of the replatting requirement prior to having a building permit originally issued. Second I feel that the board of adjustment's variance approval should

be sufficient proof that this reduced set back is legally allowed. The city's argument is that the plat has to accurately represent what is occurring on the lot. However there are many instances where significant lot changes do occur and replatting is not required. For example, right-of-way dedications, right-of-way vacations or easement vacations or easement releases. It's also troubling that the only reason that the building set back line was shown on her plat in the first place was because city policy required it back in 1972. But no longer requires it today. If I were to submit a plateaued, and I drew building set back lines on the plat, the city would not approve it until after i removed those lines. Instead today they require me to put a note on them that setbacks are going to meet the setback ordinance, the zoning ordinance as greg guernsey stated. Showing the setback lines on the plat was once thought to be a good idea. City policy until the mid 1990s, but this was never a platting refresh my memory. It's an outdated -- platting requirement that's out dated and has since been changed. Comedian george carlin used to have a routine about catholics not eating meat on fridays. A violation was a mortal sin. Even after the no meat on fridays was restricted, he mused there was still people in hell doing eternity for a hot dog. I am requesting you to grant urrutia so she can keep her carport.

Mayor Leffingwell: Thank you, I have a question for greg. Seems to me there was perhaps a couple of missteps along the way relating in this carport that's already there. So it's sort of a legalistic requirement. And there's got to be a way to fix this. So I would urge you in the strongest possible terms to look into it with the law department and others to find a way to litigate this problem as soon as possible.

I will talk with, further discussion with the law department.

Mayor Leffingwell: If it requires council action, I would request that we put it before the council.

Thank you.

Mayor Leffingwell: Thank you. Next speaker is jeremiah duke. Topic is valet parking. Jeremiah duke, not in the chamber? So we will go to anthony walker. Anthony walker did not list a topic.

I will start out by opening up saying may peace be to you, to the politicians, to the families, I want to issue everyone in that family the best of health and the greatest of spirit. When I come between these doors here at city hall, i feel so much hatred in this chamber. I want to stress I saw a [indiscernible] his rider was blind. The leaders in the city need to wake up. Because the leaders is blind, if the blind is leading the blind, this whole city is going to wind up in ditch. You wonder why austin, texas is so divided among racial lines, because our political leaders are divided. You close the chapter to one police officer involved shooting, sanders, you open up another chapter in the carter involved shooting. THAT NIGHT ON MAY 30th, carter and his friends came down to have a good time on sixth street. On his way home he made a phone call, we got the records right here, to let his grandmother know he was on his way home. Never made it there because of the action of the police officers. The coroner's officer ruled the death as multiple gunshots which result in the homicide, that's cold blooded murder. The grand jury decided not to indo it the driver that night of the -- indict the driver that not. No indictment means that he did nothing wrong. If the driver did nothing carter did nothing wrong. This is not going away until justice is served. You as our politicians have to start responding to the critical needs of the people. Otherwise we are wasting your tomb, you are wasting our time. We are not here for personal gape. We are here for the people. This family deserves answers and justice. This is going to be around for a long time until the family gets justice. The officers that night, the whole situation could have been avoided. From his point of view he followed them because he was suspicious, he was talking out. He didn't see them doing nothing wrong. He seen him commit for crime, he should have left them alone. If he would have left them alone instead of doing profiling he would have been alive right today and we wouldn't be here right this minute. I ask you at the political leader. I know you can't get into detail because it's under criminal investigation still. We are going to hold you accountable, holding the police department accountable. Before the investigation is completed the police came out, apa come out, they start this officer before the investigation is completed. At least give the respect to the community to hold a fair investigation.

We're going to be here until justice is served for this family. Byron carter should be alive today, he's not because of the actions of the police officer. This continue -- these actions continue to go on in our community. A lot of it you might not hear about profile, hatred, racism, all of this stuff going on in our community. You don't want to talk about it because you are in denial. It's okay with that. But I'm going to stand on truth. I'm not here to make friends or endmies with you. We can work together and get justice for this family or we are going to have to do what we got to do. I want to wish you all the thank you all very much. [Applause]

next speaker is babs kelley warren. Babs kelley warren. Topic is the poisons in our water, drinking water, swimming water, water skiing warren are water, your children and grandchildren are going to pay for your lack of motivation to eliminate poisons from our water.

I decided in the middle of the night -- can you hear me.

Just pull it down.

I decided last night i wasn't going to beg you to get rid of the poisons or to put dogs at the airport that sniff bombs or any of that. I'm going to start off by doing something to help you. Just listen to me. Okay? You can learn from me, I'm 78 years old. So I was born in austin, texas, I'm very proud of it. But I don't appreciate y'all not doing anything for us and you should, you should, you've got to know. I guess that's what's happening. This is vitamin e, I've been on it since 17. I don't have any plaque in my artery, two doctors have told me that I could live to be 120, so I'm probably going to outlive you, okay. But you can do the same thing. This is twin lab, it's a thousand international units. Okay. That's so much for the good things that I've got to say. The problem that happens, i moved to california with my husband in 1959 after he graduated from architecture school here. I went in to see how my people voted here in texas. When I did, I got invited to go to a john birch meeting and I did and I got to see a video and it changed my entire life. I'm real serious. That's why I'm here in here. I say david rockefeller and I say dick cheney. He talked about the rockefellers talked entirely about the illuminati, the billionaires are the ones who want to kill 80% of the world and all of the black people. It's hard to believe. But when I -- I told my mother about it long distance, she said babs don't tell anybody, they will think that you are a kook. For 10 years I didn't tell anybody. But they believe me now. Okay. You all have to realize if you don't stop the poisons and all of this stuff that's happening, you are in a position to do this, it only takes four of you, okay? If you don't stop it, you're going to be -- we're not going to have an america and we're not going to have a good austin, texas. If they bomb iran, all of these wars are about making money for the ultra rich, people, it took me a long time to learn that. I was real proud of my brother who was a pilot in world war ii, he shot down all kinds of things in the -- in the over berlin and but he was a prisoner of war. He came home weighing 98 pounds. I used to think that was wonderful what he did. I don't believe it now. You have to realize what they are doing. We are being run by evil people. All of the people that are in obama's top people are zionists. That sounds crazy, but that's the honest to god truth. I don't know what else to tell you, but please help america put us first. And put your grandkids first. If you don't, they are going to ask what happened to you. [Buzzer sounding] thank you very much.

Mayor Leffingwell: Thank you, ms. warren.

[Applause]

Mayor Leffingwell: Angela williamston, angela williamston topic is cultural arts department discrimination issues.

Hello, councilmembers, mayor. You know, I had something that I wanted to say, but after these two speakers, and the deaths on black people made me want to say something different. This is interesting. I believe that austin is a creative city for all and thank you for contracting the media arts legacy institute in the past funding cycle. You want to bring to your attention [indiscernible] institutionalized discrimination in the austin municipal arts funding pattern and the funding procedures that foster it.

Institutionalized discrimination austin multi-cultural, lesbian, gays, weapon, small to mid sized non-profits an equal share of cultural arts funding, this has to change. It [indiscernible] dealing with the cad office around molly's contract is harassment. The message that cad and the austin arts commission is using to set up contracts, guidelines, appeals, rules, art notices, access to public records and to inform underserved community and underserved audiences is drum discriminatory. I have three concerns, if we are in fact contract force for the city of austin's art services why do the guidelines for the core program use conflicting language, grant terms if we are in fact being hired for our services, if we are in fact contractors for arts services, why are we not governed by the same rules of the city contractors as art is. I reference both the state and local [indiscernible] for the current fy 12 council resolution as evidence there is no requirement by the state statute or city ordinance to be eligible to receive cultural contracts have to be a 501 c or provide 990s. Why do the cultural arts core program guidelines require recipients to be a 501 c, give 990s, total operation budget, give itemized budget, board list, state non-profit and a 501 c organization to be eligible for these contracts. This is putting hardship on small to mid sized non-profits in this community and it's cutting our funding back for our programs. How do we get past this issue? This has been an ongoing issue, I spoke with the cad office, spoke with kevin johns, with the arts commission, and I've already brought this the attention of [indiscernible] who longer is in this position anymore. And I'm trying to figure out, and we've been contracted with you for the past six years and we excluded from your website as contractors. So I'm just trying to understand what is it that we're not doing, what do we need to do to comply and also how do we raise our funding for our community and for our arts services? We want to make austin a digital -- stop the digital divide in austin, we're a media arts organization, i think from hearing this lady talk and the other brother talk, stop the killings in our city, the work that we do.

Mayor?

Mayor Leffingwell: Mayor pro tem?

Cole: williamsston I would like to visit with you about some of those issues, will you please call my office?

I will do that.

Thank you. williamsston, i do have a question for you. I wanted to make one other suggestion to you, that is are you familiar, you mentioned that you are a media arts organization. Are you familiar with the g tops grant for technology? Because I think they're going to soon be in cycle of granting. So you might be interested in getting in touch and looking at that as a possibility. But I do think that you raise interesting questions and I think that -- for instance, having the capacity to be a 501 c 3 and do the 1099s as you talk about, I think it would be great to look at helping to -- to improve that capacity through green lights, working with green lights or other organizations that are umbrella organizations for folks that want to do 501 c 3 status. So I think that you are raising some good points and I would be happy to talk with my colleagues more about that.

Cole: Councilmember morrison and I will be --

Mayor Leffingwell: Mayor pro tem?

Cole: I'm sorry, councilmember morrison will be working with you.

Thank you.

Mayor Leffingwell: Next speaker is heather muirhead. Topic is airport security. Approve.

As you all know, in december of last year, the airport advisory commission, your appointees, the experts

in aviation, passed a resolution opposing body scanners at the airplane and enhanced pat down. On the screen and being distributed to you now is a second resolution imploring you to take action against these dangerous scanners, i want to read a couple of parts of it out here. It's a long resolution, there's valuable information that I know has been presented to you before but deserves reiterating. There have been no clinical safety testing of these machines, we're talking about microwave radiation and there have been no clinical testing to prove that they are safe and there are no signs up at abia right now warning people of who should be -- able to go through them and who is at risk. So at bare minimum we really need to be warning people of dangers of these, not only are they unsafe but they are ineffective. Representative mike came, ordered the government accountability office to do an audit of them. Surprisingly enough the result are classified. But what he was able to enter into the record is there are extensive failure rates. There was a study done in germany over the summer that found extensive failure rates.

Also, up to 70% given false alarms, which means that people are being not only subjected to dangerous microwave radiation, but also subjected to dehumanizing degrading, full body pat downs. This is going to be going on right here in our airport as the responsibility of the city council to do something about it. I've been wondering why the hell haven't we done anything about this? Are you corrupt, are you ignorant? Are you afraid? We're face-to-face with institutionalized corruption, we're watching corporate influence on policy making right before our eyes, the manufacturer of these machines spent a half a million dollars on campaigns last year. They spent \$5 million on lobbyists last year. And their investment paid off. They are not only are the federal government forcing their machines on us, but they have secured a seat on tsa's newly appointed aviation advisory committee which was just instituted on THE 27th. They have a say in what our federal government is doing. There's such a conflict of interest there and nobody is talking about these things, I know that you are not ignorant. The information has been presented to you. We have bright people sitting on this council. We have provided this lack of safety testing. We have provided the fact that they are ineffective. Such an obvious violation of our human rights to travel freeland be free from unreasonable searches. You must be afraid. Maybe we are afraid of standing against totalitarianism which is something very real that we are facing right now. But the mayor talked about how they're going to shutdown our airport. They absolutely not shut down abia ever. They will not. The time is now to stand up against these scanners and stop them from becoming operational. Thank you.

Mayor Leffingwell: Thank you. Chris self. Chris self, chris is not in the chamber. Those are all of the speakers that we have signed up to speak in citizens communications. Without objection, the city council will go into closed session to take up four items pursuant to section 071 of the government code city council will consult with legal counsel regarding 53, to discuss legal issues related to the five-year revenue concession contract with the austin rowing club. Item [indiscernible], legal issues related to open government matters. Item 80 to discuss legal issues related to construction of the turner roberts recreation center. Item 82 to discuss legal issues related to the city of austin versus trudy's any objection to going into executive session on the items announced? Hearing none, the council will now go into executive session

Mayor Leffingwell: We're out of executive session. And we'll start with our morning briefing on the -- we'll start with our morning briefing by austin resource recovery on their master plan.

Austin resource recovery director and I bring forward to you the culmination of two year's worth of work, a master plan for our department, and i have a power point to present out. I'll be brief on the power point to maximize time on questions and answers. And ready for the power point there. I would also say that this master plan has taken a good turn in the right direction. We started with a zero waste plan and moved towards a master plan for the entire department with a zero waste feeding to it. And the resulting document you have printed copies, we plan on bringing this document to you for adoption in december. It's scheduled for december 15. And we will take any questions on any issues between now and then. And moving through the power point, I'd like to point out that this master plan is presented to you as our journey toward zero waste. Inth our path of resource recovery, thus the name change, it's a reshuffling of our direction of our department, our mission, our vision has changed, and much of our activities are

now focused in this direction. It is very expensive planning process. We went through several different technical reports, public workshops, discussion with swac, our commission. I presented some of the components of this plan to six boards and commissions and we released several drafts for public review. The principle foundation of this plan is the city council goal of 50% by 2015 and our zero waste goal of 90% by 2040. And so this plan sets, establishes benchmarks towards those major goals. So we've established five-year goals, 50% diversion by 2015, 75% by 2020, 85% by 2025, 90% by 2030 and 90 plus by 2040. Each of these five-year juncture points we will measure, very detailed measurement system of our waste stream through commercial, industrial, institutional and residential waste streams and see exactly where we are on our diversion. We will make adjustments to this master plan every five years based upon those results. I would also add that we plan on delivering to city council an annual report every april on the progress of our implementation schedule. This plan, the cornerstone, as I just noted, to this plan is the zero waste goal. To reach those zero waste goals we have four key stone initiatives that I want to point out to you in this master plan. Materials management philosophy, expanded recycling opportunities, organics collection and composting, and economic development and growth. The keystone initiative number 1 is materials management and looking at materials our residents set out at the curb as a resource that has a second or third life to it. So that pie chart represents a preliminary sketch of our municipal waste stream through a capcog study, and more than 90% of that pie chart is either recyclable or compostable. The challenge is collection, public participation, processing, marketing the material. The material is readily available for recycling or composting. Materials management also focuses on the hours prior to recycling so that philosophy shift in that we look at waste reduction, reuse, repair and repurpose and redesign of products. Keystone number 2 is recycling opportunities. Beginning with the signing of two new contracts this past airplane, those contracts allow us to add new materials to our blue bin recycling program each year. We plan stakeholder meetings and plan to come to council with amendments to the ordinance. And this plan in the implementation schedule projects out the possibility of moving from a buy weekly recycling collection to a weekly collection. And we heard on lot of that in our public meeting, the desire to move to weekly. I look at the cost efficiency and when we reach 55% diversion, the recycling program has that economic platform to move to a weekly program and has some cost savings in the trash collection. So that's a possibility in 2016. Keystone number 3 is an organics collection program. We'll do some pilots in the next few years, but the goal is a single stream organics collection by 2015 collecting yard trimmings and food scraps from the residential setting. This combined single stream composting would then be composted over at hornsby bend and the dillo dirt program and it is the food scrap is an added fuel to the composting and represents about 12% of the waste stream, residential waste stream. So that bumps our diversion rate up significantly. It also proposes a consumer compost classification and I'm working with the council on that. Keystone initiative number 4 is an economic development growth platform. This -- this entire document has a lot of economic development themes. There's a particular chapter that embraces several different initiatives on economic development, including attracting recycling remanufacturers, developing a eco industrial park, supporting by-product synergies and encouraging small cottage industry-type businesses for the repair industry, repair and repurpose items. This economic platform I'm working with our economic development office and we feel that this is a very strong element of our master plan. Foundational principles above and beyond the keystone principles, the foundation of this plan, when we moved from a -- to a department alma concept, it allowed me to look at the operations for operational efficiency. So this plan develops the platform for creating more operational efficiencies, reduces our mileage on the road, reducing our carbon footprint, and there are other additional opportunities that I was just discussing with swac last night as well too. That's a foundational principle in the living document of this master plan as it grows. Equity is an important issue that we learned about in the public meetings. When we work with our stakeholders, the business community in particular, many of our businesses want to be green but they want their competitors to also be green and have a level playing field. And so when we work on public policy in the commercial realm, we work on the platform of equity, a level playing field, everybody plays by the same rooms. And so when we bring ordinances to council in future years, it will be with that foundational principle of stakeholder review, stakeholder input, but equity across the board. Also important in this plan is community partnerships. And there are three or four chapters in this plan that address partnerships. Nonprofit partnerships, public-private partnerships, institutional public partnerships with the educational institutions, as well as community based partnerships, so that is a strong theme throughout this

document and many, many different public activities towards zero waste. And finally continuous improvement. This plan is a living document. It will change over the years. Those changes will become apparent to you in our budgetary process as well as our five-year check-in points and it is intended to have a continuous improvement concept within the document there. Backbone behind the zero waste goals is metrics and measurement. We have a dedicated chapter on metrics and measurement. We acknowledge that that is a challenge in the future. There are certain measures that are not in place to give us a good base here on where we are. We believe we're at 38% diversion on the residential stream. It is uncertain where we are on the commercial and industrial streams on current base year statistics. We need to develop those measurement tools and measure them every five years. And that's what that chapter addresses. You heard earlier today a customer satisfaction survey. 85, 86% Satisfaction from the public with some of our curbside services. That's something I can brag about but also say we can operational improve upon that number. We want to stay close to the citizens in performing a service they are very satisfied with and desire. And that brings me to the community involvement point that this plan, although community involvement was expensive in the development of the plan, we have the commitment to continually keep the community involved in the development, redevelopment, deployment, implementation of this plan. One of the recognitions of our public discussion is the role of the private sector haulers and the public sector. I have a public sector hauling system through single-family residential service. It represents 25% of the waste generated within the city. Hauled by city trucks. There is a 75% of the waste generated in the city that is hauled and serviced by the private sector. This plan respects that dividing line. It does not encroach upon it. The plan intentionally does not increase governmental activity at the cost of private sector. There's a very, very strong public sector, private sector partnership theme throughout the document. Oh, and I would add on that point there, as we don't necessarily service that 75% of the waste stream, we as a governmental body have influence over that through public policies. And I'll be speaking to you in future dates on ordinances and public policies that influence those. The next step would be an expansion of the universal recycling ordinance that affects restaurants, food organization and composting. And that will be coming to council next summer. I'm not going to review over all these numbers, but the point of this slide is that there is a cost to these programs. The master plan addresses all the activities of the department as the current operations are assessed, but also adds new diversion programs. There is a cost factor to it. We need to deal with an estimate of those costs and I assure council that each budget season you will see an honest and frank discussion on our current operations and new programs proposed and working these new programs in in a reasonable fashion so that there isn't a rate shock to the residents. To pay for these programs, it gets us into a rate structure discussion. And the next few slides I want to emphasize are hypothetical and only to initiate the conversation. There is no conclusion drawn from these slides. And I will be coming forward to council in about five months with our five-year forecast, our five-year financial forecast. I would like to propel this discussion more in detail at that time. In the next five months, I would like to explore a change in the way we charge our rates to our residents to encourage waste reduction and fairly distribute the cost of the program. If you look at our current 75 95 depending on the size of your trash cart, divide that by the number of gallons of trash service, you will see that there is an inequity inherent in our current system. I observed this in our prior conversation on how much does it take to encourage people to move from a 96-gallon down to 64-gallon and saw little movement in the last year. It could be because of our rate structure. It just doesn't seem to have the equity factor in it. So looking at our rate structure from a per gallon perspective, it leads me to a first scenario discussion of taking our trash cart service, we have a bundled rate of trash, recycling, trimmings, curbside service, 21-gallon through 96 and perhaps levelizing that fee per gallon to 39 cents. This is a hypothetical example. But more of an equity picture in there. Now, there's a flaw in this hypothetical situation. I want to project that out over the years first. This hypothetical number 1, the idea is that as there is a growing need to support new diversion programs, there may be a growing need to adjust that gallon rate. And you can see that in this hypothetical chart. This is not a rate proposal chart that I'm asking you to approve, it's hypothetical. But it shows how you would handle the rate structure over the years to future years in so many cents per gallon, and that's a structure that could be considered. The flaw that I see in this is that the entire rate structure is based on your trash cart size. And so when we encourage people to move down and slide, we have that conservation double-edged sword, encouraging conservation, but decreasing revenues as we move down the scale. That could be adjusted in the rates, but hypothetical number 2 rate structure kind of adjust for that. And the idea here is

a per gallon charge per commodity. We would still charge a bulk rate, a bundled rate to the resident, but the calculation of that rate would be determined by the trash cart size, the recycling cart size and the organics cart size. And you would move that rate based upon true cost analysis of each of the services. This rate approximates where we are in 2012 with 18 cents, 8 cents and 6 cents per gallon charging. This is not a proposed rate structure, this is hypothetical. But it approximates what our current revenue stream would be generated. And it's another approach towards balancing that conservation measure as people down size on trash, they up size on recycling and organics and you are protecting your revenue flow and encouraging your waste diversion. So that's a modification. I feel like this the next five months we'll modify this approach three or for more times and I encourage some conversation with you on that. A final slide on the financials, and this is a modeling rate, a modeling schedule for the years. Just for concept. If as we project cost per commodity over the next decade, I see trash rates going up. The landfill disposal rate is set to a cpi index, but our collection costs are rising. So I see a rising bar there. On the organics, pretty stable, just a cost of living expense on salaries, but pretty stable pricing on the organics. Though on the recycling it's a crystal ball what the markets will do and the revenues as you can see from past history, but if we have a positive market growth, and we have a very strong market growth right now, but if that market growth continues, there's that potential conversation with council in future years where our cost of our program for recycling is less than the revenues we gain from it. That's an ideal situation that the public is asking us about in our public meetings. Why aren't you paying us for our recycling. Currently our collection and processing costs are higher than the revenues. There could be a day sometime in the near future where the revenues exceed the cost. And we have very good contracts that can generate that scenario. It's a market situation. When that happens, I would like to discuss with council the concept of a rebate on the utility bill for recycling to encourage more recycling, reward the residents with that rebate concept. Right now that's conceptual. Back to the original purpose of developing a master plan is the residential waste disposal reduction. The concept is to recover more resources and reduce our disposal of waste. And so this is a projection of tonnage. You look at the yellow row, 138,000 tons disposed of in fiscal year 10 through city trucks. This is city truck tonnage. The projection is by fiscal year 30, which by the way is my retirement year -- [laughter] -- and I'm looking forward to 90% before I retire. 32,000 Tons disposed of as opposed to 138,000 tons. This is adjusted for growth of the population and annexation projections as well. You'll have a growing population, growing material stream, but the goal is 90% in any given year, a 90% recovery rate. And that's our goal for fiscal year 30 there. That concludes the power point. There is tremendous amounts of program information in the 300 page document and I certainly welcome any questions that you might have now and as well as in the next few weeks.

Mayor Leffingwell: Questions? Councilmember Spelman.

Spelman: Bob, I understand that your master plan also includes a series of pilot programs. I wonder if you would just describe those collectively for us.

One of the assets of a pilot program is before we go into a -- a large capital expenditure we let's try it out in a small area and see if this principle works. One pilot program that we're already engaged is working with restaurants on identifying food waste that can be picked up for composting. And that pilot will generate some results for the universal recycling ordinance for next summer. One pilot that this plan projects is food waste collection at the residential single-family household. We would like to pick a couple annexed areas that are new coming into the city and pick a few areas to pilot a third cart, a green organics cart where you can put yard trimmings and food waste in, service that through automated trucks, find out what our cost efficiency is moving from a reloader truck to automated truck, from a two person truck to a one person truck and see what the cost efficiency are and see how it works at Hornsby Bend in handling the food stock that's coming in and how that augments our composting or complicates the composting. Those pilots are very important in fiscal year 13 and 14 with a full city rollout in fiscal year 15. More pilots are planned for reuse opportunities before we explode into a larger citywide program on reuse. There's other examples in this document as well.

Spelman: The basic idea behind the pilots is ability to collect more information before you put something in the master plan and commit to doing it. We don't know the right way to make it work, let's try out a

couple ways and see what actually does work.

That's right.

Spelman: If I might suggest to you, I understand you've also got some pilots, things you are doing on a less formal basis, and I would like to suggest another pilot that you might consider on a less formal basis. I actually have it here. This is an idea which has been kicking around the floor for the last few months. The folks who manufacture insinkerators have been suggesting there are two ways -- three ways you can get it into the compost. One is in your backyard, I do, but I also have a backyard and most people who live in the city do not have a backyard. But there's two other ways we could identify. One of them is as you are suggesting on the pilot let's try a means of trucking, a program where we bring in trucks and give you a third cart, you put your food scraps in it. A third possibility which the emerson electric people suggested might be viable, might not, we can find out, is to encourage people with proper education to use their insinkerator garbage disposal down the sink and grind it and send it to a compost more or less through the sewage system. The problem people put more stuff down their sink they might also put more fats, oils and grease and clogging up the water system [inaudible] or go through again. So the pilot aspect of this program might be let's find a small pilot area like in a large apartment building with, say, 100 units in it, provide the proper education and see whether or not people do abstain from putting fats, oil and grease down the sink and reduce their food scrap waste without need for a backyard composting. Do you have any objection to trying this out on a pilot basis?

I encourage pilots. I always appreciate the metrics that we can gain from pilots and so forth and learned experiences. From that side of the picture, no objection. On the other side, I think I feel obligated to present the zero waste philosophy of this approach. Notice that the description of the device is food waste disposal unit. It's a disposal technology as opposed to a recovery technology. And I respectfully have discussed this with the promoters from insinkerator. We have a highest and best use in our document and the highest and best use for food scrap is backyard composting. Not everyone has the capability or the willingness to backyard composting so we need a second option. The second option on the highest and best use philosophy would be wind row composting recovery of the food scrap for soil amendments and compost material. Down the list a little bit further on the highest and best use would be anaerobic digestion energy recovery which would be the process through the food disposal units. It would go to hornsby bend through the wastewater system. We would recover energy through an anaerobic system. It's not just a simple disposal system, there is some energy recovery. In the highest and best use, that's third on the list of the three different options. So I -- although I am favorable to a pilot to test it out, I have concerns about down cycling the material when we have capability of up cycling the material.

Spelman: On the other hand, this is a pilot and [inaudible] let's try it and see whether or not we can get a better takeup rate with putting it down the sink than we would putting tonight a can or living in an apartment you might have to smell it before people come to pick it up. We might actually get people to dispose properly of their waste at a greater rate down the sink than we would by [inaudible].

My comfort level on the pilot is you are talking in a multi-family setting rather than a single family. The barrier that may -- may be applied is that commercial food waste disposal units are banned in the city by policy, planning policy. So there's an exception would have to be made to the rule for the pilot.

Spelman: Okay. There may be some more we have to do.

But I certainly welcome the exploration of a pilot.

Spelman: Thank you, bob.

Mayor Leffingwell: Councilmember morrison.

Morrison: Thank you for a presentation that was articulate and very informative, and it's really an exciting future that we have to look forward to so I appreciate your leadership in putting this all together. I have -- I just wanted to remind you of the time that you came to the emerging technology committee about a year ago, I think, and talked about resource recovery and emerging technology, so it's particularly exciting to see that in Austin's future, including the economic development and the generation of all sorts of different kinds of business and sizes of business across the spectrum. So two questions I wanted to ask you. In terms of the 25-75 split between the services, the amount that we service versus private companies, can you talk-give us some examples and remind us of the kinds of policies that we can put into place that actually affect the way that other 75% do business?

Yes, that's a good question. Obviously on the 25% those are direct customers of the city. And we have a direct relationship with those customers, public education, blue carts and so forth. On the 75%, you are primarily talking about rolloff bins, metal dumpster bins, large commercial centers, retail outlets, so forth, and you are talking construction demolition waste there too. There are numerous ways we can affect it. The master plan first of all has the platform of stakeholder input and a friendly public-private partnership along the way. So there is the fullest intent to incorporate the service providers and the waste generators in the picture. And by the way, we call them waste generators. We are going to move to material waste generators, material generators that have secondary use. So challenging on the vocabulary there.

Morrison: We need a little work on that.

Shifting gears there. And everybody in the city, whether it's a business or residence or a multi-family is a waste generator. We would like to turn that philosophy around and they are generating materials that we can collect for secondary reuse. The service providers through the public meetings have demonstrated that they can gear up to provide that service for that 75%. There is no -- there is no service void. There's plenty of competition in the hauling world. Where -- where the concerns are really in the generator area, the office buildings, the restaurants, there's a tremendous amount of public education, and there is also that level playing field that we need to create. And that's what we heard. So what we can do most to affect that 75% is creating public policy and ordinances that encourage waste reduction, but it's a level field for everybody to play. And that's -- our main tool for that is the universal recycling ordinance. Council approved the basic starting platform for the universal salary cycling ordinance and we plan on amending that to increase more diversion activities and come back to council in May, June, somewhere in that time period.

Morrison: Okay, so that is essentially going to turn the waste generators into material -- reusable material, et cetera.

Exactly. A second platform I shouldn't forget about and that's electronics, hazardous materials, toxic materials, household hazardous waste program in this master plan will expand. We're proposing, we're looking into costs and the cost efficiencies and costs to develop a north service center. We heard a lot from the public about a south hhw facility and a north hhw. That's for household materials. What about small business and commercial stream, as well as the electronics field. And take-back ordinances that the whole concept of the pharmaceutical take-back to the pharmacy, the concept of a bottle bill, all of those ideas are in our policies and ordinance chapter within the document. And all of these issues would come back to council. These are council decisions. We would go through a stakeholder review process, develop an ordinance, present it to council. Those affect that 75% stream as well too.

Morrison: Thank you. That's helpful. Then my last question is about slide 13 which is the one with the dollar signs out. And what jumped out at me, which I think is really interesting, the total program expenses from 2013 to 2020 per 3 million up to 9.6 million.

That's right.

Morrison: And if you look at the chart and the inputs there, it's the communications which starts out about 75% and ends up about 30% of that, but it's three some million every year. So a huge portion of this is about communication, which is interesting to me.

Communicating with the public.

Morrison: And education.

Education, public education, school education, marketing, communicating with the public. Those I would state that those are estimates. And each fiscal year I would bring a budget to you for your review. That calculation is based on a 75-cent per household per month calculation. And it's a rough statistic that we inventoried other cities around the country that had successful communications plans with their residents. We heard anywhere from 75 cents to a dollar per household per month as a dedicated economic resource for that communication. Recognizing that that's a large pool of money, we would come to council in the budget season with a very detailed communication plan that justified any expense that we bring forward.

Morrison: That's just fascinating to me that so much of making this work is about education and communication.

Oh, yes.

Morrison: That doesn't surprise you, that's your experience?

Yeah, from my experience in previous communities that I've worked in, the primary motivation for moving from our current base to 75% is communications. Moving from 75% to 90 is different challenges, but currproesses and current capacity can handle 75% diversion. We need to motivate the public and have a conversation -- a continued conversation with the public on their participation. And one example real quick, one example we're looking at nine zones of the city and checking out the setout rate of the blue cart and we're finding some neighborhoods at 90, 95% setoff, other neighborhoods at 50%. We have to look what's happening in that neighborhood with 50% and we're looking for a census overlay of data and go into that neighborhood with an individualized campaign. It could be a language barrier, could be education barrier, any k barrier.

Morrison: Also you are talking about trying to motivate by change our fee structure too, which will be interesting to see.

Yes.

Morrison: And it will be interesting to see if there's a way to track what is motivating whom to change their ways.

In the next two years a lot of research on consumer habits.

Morrison: Uh-huh. Thank you.

Mayor Leffingwell: Anything else? Councilmember riley.

Riley: I also wanted to thank you for all your work. It's very exciting to see the progress [inaudible]. I want to ask you first about the organic collection, which is something that the city is -- I know a lot of

folks in the city are really looking forward to getting further into. When we looked at our experience with recycling, what we saw was the city really made its initial progress principally with single-family homes and we wound up hearing in a lot of folks in multi-family settings which represents most of the population in Austin who really wanted to have more of a role in recycling and we gradually made progress in that direction. I think I heard you say that we expect that the organics and composting collection would start with single-family or residential, which, of course, is the one -- they are the folks that typically have the backyards where they could do to composting themselves often. Can you speak to where you see us going, how you see multi-family having opportunities to participate in organics and composting?

In the multi-family, I live in an apartment. I experience that issue personally. A large capacity for trash, very small capacity for recycling. This morning the recycling bins in my complex were overfilled. So there's the willingness of some residents, but the capacity is not there. Part of the way we address that is through public policy. The universal recycling ordinance amendments that I referred to that will be coming to council next year will address some minimum standards for multi-family recycling service and the sticky part that we're working through the stakeholders on is the organic collection. There's a lot of mechanics on organics. However, there is uniform belief that we need to increase our capacity at the multi-family setting on recycling. That is a private sector service. We're working on that through a public policy process through the universal recycling ordinance. We're also exploring the concept of regional or neighborhood oriented recycling dropoff centers similar to the ecology action concept that's downtown. If we had apartment complex areas where there was a closeby dropoff, kind of an expanded process there, that's an exploration we might experience through some pilots. And that would be a private public partnership concept there. We're also exploring the idea of a different approach in apartment complexes where there is a collection center near a shopping center, like or in that complex that's kind of like a public dropoff. There's many different ideas that are explored here. We would like to pilot a few of them, but we definitely are focused on multi-family service.

Riley: Glad to hear you mention neighborhood recycling centers because one idea that's been kicked around is the idea of community composting centers especially in terms of what they could do for community gardens. If people have a community garden area, many community gardens would welcome more compost material. Is that something the city would be promoting?

Yes, and that's mentioned in the composting chapter. We would like to pilot a few community composting garden areas. This plan also would identify four quadrants locations with parks department on brush collection. We need a backup location for storm debris when we have a storm. Those storm debris collection sites at local parks could also be a compost site for those that don't have home based composting opportunities. And that material can go to the local community gardens. A key to operational efficiency is to keep the use, the end use of the material close to where the material is generated. So neighborhood centers and community gardens really reduce our operational expenses.

Riley: Uh-huh. Now, I'm glad to see that one of the four keystone initiatives is focused on economic development. Do you see any way that -- I mean if the bulk of our composting and organics is handled through Hornsby Bend, how do you see economic development playing into that process?

A lot of the economic development conversation is on hard recyclables and bringing local markets to what's connected to the single stream. We would like to work with the private composting companies. There is the commercial generated organics, not only yard trimmings, but also food organics from the restaurants. And our stakeholder meetings include many of the organic processors here. They have the capacity but the collection network is not there. So we would -- not all that material would go to Hornsby Bend, the residential would, the commercial stream would go to the commercial processor.

Riley: So if commercial processors were able to handle that economically, then that's something the city would allow for.

Yes. And two of those processors already have tceq permits to handle food waste, so we're already one step forward on that.

Riley: Great. Lastly I wanted to touch on the issue of education and communication which you mention, and in particular i wanted to ask about that issue in regard to events in the city. There are several sections of the plan that relate to events, city sponsored events, 3 and that's something we talked about on council to some extent in the forecast. When we have city sponsored events we have higher expectations in terms of the handling of waste. And that's not just because the cit deeply about that issue but also because it's an opportunity for communication and education. Is that right?

Yes.

Riley: Can you elaborate on that so people can have that in mind as they see these recycle and composting opportunities at special events is this.

One keystone that I have observed in my 35 years is that the public, training the public into diversion, people want to be green, they want to divert, but when they get used to it at home they want to do it at work, at school at play. You want to create those diversion opportunities in the green spaces as well, but what is unique to austin is that many of our green events are visitors to town so we have the constant retraining of the visitors. So part of this is developing a green event or an event ordinance that would come to council that would present requirements for collection of organics and recyclables at the events. We would start with city sponsored events she but the intent is expand it to other events as well. We did a pilot this year on city events. We had some success. Night at the bat was a good experience on diversion. I think about 80% diversion at that event. We did a lot of experiments this year, some pilots. We would like to come back to council with a green event ordinance within the next year. And that would be for city sponsored events. And then from that experience move forward to additional events throughout the city.

Riley: So the diversion [inaudible] is actually far in advance of where we are as a city today.

Yes. Yes. I'm impressed t farmers markets, if you go to the farmers markets, they have a well signaged area, a combo area for recycle and organics and they have people to advise which area to put it in. That's what we would like to see at all the events. It also, I would add, the challenge is working with vendors that distribute material at these events, like sxsw, we are encouraging vendors to use recycled material and not styrofoam or throw-away material and that's also a challenge in that arena as well.

Riley: Thanks again for all your work.

Mayor Leffingwell: And i suspect our success in diversion is in part due on the fact that we've been doing it for two years. In the city we passed that two years ago to put that process in place and make it part of the application for an event. Thank you very much.

Thank you.

Mayor Leffingwell: We'll see you in 2030 if not before.

I will be back on december 15th for discussion on adoption of the plan.

Mayor Leffingwell: Great. Thank you.

Thank you.

Mayor Leffingwell: We have a computer sign-up, citizen sign up to speak has crash on us so without objection, council, I think we can go ahead and address some of these zoning cases. There are a lot where there are no citizens signed up and we'll start working through guernsey is in the room. I trust there's no objection from council to proceeding like that. The computer sign-up system crashed so we're going to go ahead with the zoning which i think [inaudible].

Mayor, would you like me to go through consent items?

Mayor Leffingwell: Yes.

Thank you, mayor and council. Greg guernsey. I'll go through the items that I believe we can offer for 00 zoning agenda. The first item is item number 83, case c14-2011-. Staff is working with the applicant on this property to finalize the restrictive covenant so we would ask for a postponement of this particular item to december 8th agenda. Item number 84 is case c14-2011-0110, for the property located at 5922 1/2 parmer lane and staff would offer this for consent on second and third reading. That concludes this portion of the agenda I can offer for consent.

Mayor Leffingwell: So the consent agenda for those items where we've already held a public hearing is postpone item 83 until december 8 and to approve item 84 on second and third readings. Is there a motion to approve that? Councilmember spelman moves approval seconded by mayor pro tem cole. Discussion? All those in favor please say aye. Opposed. Passes on a vote of 7-0. We'll go to the public hearing cases.

Thank you, mayor and council. 00 zoning, first item for con send is item 85, 01 for the property located at 2935 east martin luther king jr. Boulevard. This is to change the neighborhood plan from the rosewood neighborhood planning area to change the tract from single-family to mixed land use. The planning commission's recommendation was grant mixed use land use and this is ready for consent on all three readings. Item 86 is a related item. The zoning case c14-2011-0084. Property located at 2935 east martin luther king boulevard to change zoning to neighborhood commercial mixed use. Planning commission recommendation was to grant the lr-mu-np and this is ready for consent approval on all three readings. Item 01 for property located at 201 east 34th street and 3307 helms street. The applicant has withdrawn this particular request, no action is required of you on item 87. The related zoning case is item number 88, case c14-2011-0016 for the property located at 201 east 34th street and 3307 helms street. Staff is requesting postponement of this item to your january 12, 2012 agenda.

Mayor Leffingwell: There's a story there. Tell us.

The very short story is that we determined that a change to the neighborhood plan was not required to do the zoning change. Item number 89 is case 02 for the property located at 3208 red river street. This is an amendment to the central austin combined neighborhood plan to do -- change future land use map from mixed use office and the planning commission recommendation was grant the mixed use designation. Ready for consent approval on first reading only. Item 90, c14-2011-0101 for property located at 3208 red river street to rezone the property to community commercial or gr-mu-co-np. The planning commission recommendation was to grant the gr-mu-co and this is ready for approval on first reading only. Item 91, and mayor, I'm not sure if we have people signed up that want to speak to this item. I think I have neighborhood agreement and owner agreement, but I'm not sure if there are others.

Mayor Leffingwell: This item number 91 is proposed for consent. Is there anyone who wishes to speak on this item? Four points center p.u.d. Amendment. Don't see any volunteers so --

thank you, mayor. There is slight change to the backup and you have it in yellow. This is item number 91 on zoning change review sheet. I want to clarify some things and we can keep this on consent as far as the applicant and neighborhood is concerned. This is for the property located at 7013 and 7318 1/2 river place boulevard. 11120 And 11034 four points drive. This is to change the zoning to planned unit

development, to change conditions of zoning. The zoning and platting commission recommendation was with conditions. On your backup, on the very first page under staff summary and recommendation, there's a transportation section language for ordinance and in the first paragraph, the last sentence of first paragraph I'm going to read into the record, that any and delete the word such change in the adjusted peak hour trips shall not constitute as a minor change and shall require an ordinance of the city to authorize such change. The last paragraph on that page, the last sentence would in no event will any reallocation be deemed to increase the development or traffic intensity of the beyond 2,943 adjusted trips or as increased by approval change in an ordinance by the austin city council. And so this recognizes that the austin city council is the entity that would change that number if one would come forward in the future. On the second page, under that same section in the italicized section, at the very end it says if reallocation is made, allocation table my here after be appropriately revised and approved administratively within any new site plan for development or site plan correction or site plan revision to an improved site plan for development. In no event will any such reallocation be deemed to increase the development for traffic intensity of the beyond 2,943 adjusted peak trips or as increased by an approved change in an ordinance by the austin city council. But the same -- or same sentence I read previously. And with those notations and noting that your backup does include an additional prohibitive use of auto sales, I could offer this for first reading only on item number 91.

Mayor Leffingwell: Councilmember Spelman.

Quick clarification. In the hour trips, any changes that were made basically leave ourselves open for future changes in the p.u.d. Requirements would still start off 2943 adjusted peak hour trips.

That's correct. Or as -- and then that sentence I write into the record.

Spelman: Just wanted to clarify. Thank you.

The next item I can offer for consent approval is item number 92 01 for 4909 fm 222. The zoning and platting commission has yet to review this case and staff is requesting postponement of this item to your december 15th agenda. That's item number 92. Item number 93 and 94, let me just skip those for a moment. I understand there might be an agreement on that. Item 95, c14-2011-, 0050, for the property located at 11205 and 1101 burnet road. This is to change the north burnet gateway commercial mixed use or nb-g-cmu district zoning t platting commission recommendation was to grant the nb-g-cmu with conditions and this is ready for approval on first reading only.

Mayor Leffingwell: And that was zoning and platting commission?

Not the zoning and platting commission, it was actually the planning commission, that's correct. Item number 96 c14-2011-0075 for the property located at 90 yager lane to, zone the property to general commercial services or cs district zoning. Zoning and platting commission recommendation was to grant cs-co combined district zoning with conditions and this is ready for consent approval on all three readings. Item number 93, c14-2011-0079. Staff is requesting postponement of this item to your december 8th agenda. There's an accompanying neighborhood plan amendment that's already been scheduled for december 8th so we're going to make sure both of them are on the-we want to make sure we take them both together. Item 98, case c14-2011-0098, this is for the property located at 2408 san great san gabrielle, request for postponement until december 8. The applicant agrees with that postponement request so I've got adjacent property owners that have asked for postponement to december 8. Item number 99, this is case c14-2011-0109 for property located at 4527 north lamar boulevard to zone multi-family residence, the zone and platting commission was to grant ms zoning. There was additional condition that I would just like to read quickly into the record. The neighborhood and applicant have agreed to and this can go all three readings with the additional condition there is 80-foot height limit. The parties have agreed to that. So it's as presented in your backup with additional condition of 80 feet in both the rosdale neighborhood and the applicant agreeing. Item number 100, case c14-2011-0112, property located at 6607 north ih-35 service road northbound. This is to zone the

property to commercial liquor sales, conditional overlay or cs 1-co. Planning commission recommendation was grant the zoning and this is ready for consent approval on all three readings. Item number 101 and 102, mayor, there are at least six people signed up on 101 and 11 on 102 so those will be discussion items. That will bring us back to 93 and 94. [One moment, please, for change in captioners]

Mayor Leffingwell: The consent items is to approve on all three readings items 85, 86 and item 87 has been withdrawn. To postpone item number 88 until january 12th. To close the public hearing and approve on first reading items 89 and 90. Close the public hearing and approve on first reading item 91. To postpone item 92 until december 15th -- close the public hearing and approve item number 93, termination of the restrictive covenant. To close the public hearing and approve on all three readings item 94. And that is the planning commission recommendation with the additional condition regarding the heritage tree. To close the public hearing and approve on first reading item 95. Close the public hearing and approve on all three readings item 96. To postpone items 97 and 98 until december 8th. To close the public hearing and approve on first reading the zoning and planning commission's recommendation with the additional condition of an eight-foot height limit. To close the public hearing and approve item 100 on all three readings. And that is the consent agenda for that set of items. Councilmember spelman moves approval. Second by councilmember martinez. Discussion? All in favor say aye? Opposed say no? It passes on a vote of seven to zero. So I take it we still have no --

the servers are back. So if we could get one of the (indiscernible) people to help, you should be able to see them.

Mayor Leffingwell: So guernsey, that takes us to item number 101?

Yes, item number 101 is case c-14-2011-0113. This is for the property located at 608 east cesar chavez street. 7738-acre tract of land that is requesting rezoning to cbd cure. To add additional floor to area ratio of 16-1. The property is currently vacant and used for parking. The proposal would be to build a hi-rise hotel with approximately a thousand-plus rooms. It would also contain a three-meal restaurant, underground parking. It is located in our downtown area, and an area that is currently zoned cbd that does not limit height on the property. It has come with several recommendations to you. The downtown commission on july 20th met at a regular meeting and voted to support the project in concept. The design commission on september 26th of this year voted to approve the -- support the project as presented to them. They had some comments about a bridge and requesting presentation of a schematic stage of the project. The planning commission's recommendation that was made in the past month was to approve the staff recommendation with some additional conditions that there be a minimum of a thousand rooms, that there's a parking developed underground. That there's great streets on all four sides, and it meets the downtown design guidelines. And that was on a unanimous recommendation of 6-0. The property is bounded to the north by other parking lots and zoned cbd. To the south is a cbd cure site and undeveloped parking. To the east is gr-h and palm school and office. And to the west is cbd and restaurant. It would be an area that is in the convention center combining district. I'll also note that the ordinance has been prepared. In the ordinance itself it speaks to that if there is a hotel-motel use, that it is at least 1,000 rooms on the property. Then the property may be developed with a floor to area ratio that could be 16-1. So if it's not developed with a hotel-motel use, then it would revert back to the (indiscernible) use. Also, if there is a hotel-motel use with a thousand rooms that the parking facility would be constructed as underground parking. In addition there's a restrictive covenant that has been prepared that speaks to that the owner has agreed to do great streets on all four frontages around this property. Again, there's a minimum of a thousand rooms that this would be triggered to meet green building council leadership and energy and environmental design or leed rating system. I think the applicant would like to speak to this could covenant in particular because it speaks to a gold ratings standard, but i think I'll let the applicant when they come forward address that. I think I will pause at this time and let the applicant make their presentation. You have several speakers, mayor, that would like to address this particular item.

Mayor Leffingwell: Any requests for staff? Councilmember tovo.

Tovo: Just a quick clarification. You said that the public restrictive covenant includes leed standards of gold, and that's something we're going to hear about from the applicant, but the restrictive covenant as prepared right now has leed gold in it?

That's correct.

Tovo: And the thousand room requirement?

And minimum after thousand room requirement of eight to one. Then these things would be provided by the applicant, the green -- the leed building standards and the great streets.

Tovo: So it sounds like most of the planning commission recommendations ended up in the public restrictive covenant.

That's correct with regards to those two items, the great streets and the one thousand minimum room requirement was put in by the commission that would address the 16-1 that was presented by the applicant, f.a.r.

Mayor Leffingwell: So the applicant, mr. drenner. You get five minutes. And you have donating time to you, if you need additional time, michelle hausman and ashley parson. Is ashley here? Okay. So you have 11 minutes if you need it.

Thank you, mayor, councilmembers. I'm steve drenner on behalf of the applicant. I'll walk you through a powerpoint presentation to help you get a little better feel for what is proposed. This is a cdb to cbd cure case. 74 acres and we're requesting 16 to 1 in order to build the hotel. This is our site from an aerial perspective. At the northeast corner of cesar chavez and red river. Currently it's a parking lot. Zoned today cbd. Another carol perspective -- aerial perspective showing you the relationship between what we're proposing to do, the old palm school to our -- on our eastern border and then palm park to the north and obviously the convention center directly to the west across red river. The hotel is modeled as in a thousand room hotel. There's actually two hotels, a four star and a five star hotel. You see the breakdown as shown. 550 Plus underground parking spaces, and I would underline that, underground parking spaces. Additional 5,000 feet of meeting space that would support the convention center activities and then the restaurants. I'll show you various schematics. Let me mention one thing at the outset. You're not voting today on any sky bridge option. We've had some discussion obviously about that, and that -- in terms of how that would work with city staff, and our understanding and what we certainly would support is that any sky bridge alternative must come back to you. So this zoning case does not involve any approval of the sky bridge, although I would tell you that we think it's important to the project, but we look forward to that conversation in the future. This is a different perspective showing you again relationship to waller creek and the convention center and palm park. I'm going to talk to you in a minute in more detail about the sustainability issues, but one of the very first things that was done on this site in terms of how to orient the building was to look at the sustainability issues and making sure that we orient it, if you will, the thin side of the building to the west was one of the primary things that happened at the early stage to support the sustainability goals. Again, a couple of perspectives just to give you a feel for what is proposed. This would be looking from across to the north -- from the north on red river back to the south across waller creek. The impact I think on some of these pictures of the fact that we don't have above grade parking because it allows opaque visibility to be there with regard to the lower floors to reflect the activity that's going into those areas rather than what would it would be if we were doing above grade parking, something that would not have near that degree of excitement. Again, this is looking from across red river. Palm park would be to your left, if you will. I think from a community benefit standpoint I know that's important as y'all look at any project that proposes an increase in , these are the things that I would point you to in terms of analyzing these community benefits. From a tourism standpoint I'm going to walk you through that. Design, the impact that this proposal makes on in

particular the castleman-bull historic house, the direct financial repercussions and then as a catalyst of what is desired along waller creek. I think all of you have seen the studies and heard the comments about austin's need for additional rooms, particularly rooms that are close to the convention center, the ability to add a thousand high quality rooms at this location I think has a substantial quality impact on our ability to attract conventions that right now may be passing us by. The design, this is intended to be a great project, and in order to do that again, not having above grade parking is important. Let me quantify that for you. Per space, the below grade parking averages a cost of about \$20,000. If we were doing structured parking, but above grade, that cost is probably cut in half. So we're looking at literally about a 10-million-dollar project for doing the -- all of the parking below grade. And again, it allows us that look rather than the look you would have if we were doing above grade parking. One of the two things that we promised at planning commission with regard to the historic castleman-bull house across the street is that we would be supporters of that restoration and we also promised them that we would quantify that by the time we got to the city council. And we have done that and our commitment is that we would participate in assisting with the renovation of that to the tune of a half a million dollars. We also in looking at our relationship to palm park, agreed that we would be a supporter of palm park. And we would make an additional cash contribution to the waller creek conservancy of a quarter of a million dollars to assist in the renovation of palm park. We will not be direct participants in the design of that because we know that's important that that be done in a a third-party process that the conservancy has already set up, but we will be making that cash contribution in order to assist with the park. Financial, as you know, we have property taxes in this tif. 100% Of the city's go to the tif and 50% of the county's. I think hotel occupancy taxes are obviously something that's important, sales taxes and jobs are the things that I would list in that area. The projected future annual property tax would be 4.1 million. The hotel occupancy tax is a staggering 11,325,000 on an annual basis, and you see the breakdown. And then the projected sales tax would be 3.5 million. In addition to that, I think we would be looking at jobs that would be in this range, direct hotel jobs of 850. Estimated number of retail or restaurant jobs would be 75, and construction jobs would be approximately 550. As a catalyst for waller creek, I think it's more difficult to measure that on a direct basis, but I think it's important. This is probably the most visible, maybe the largest developable site along waller creek. And doing it in this basis, and particularly for this use, and with this level of density, I think does all the right things for what we hope to see along waller creek. So in measuring the community benefits again, those are the things that i think I would point you to. I know there's been a lot of discussion among this group about the downtown plan and how that would work, and there's been some proposals to alter that. Under the downtown plan as drafted when it came to you, this project would get to a of it meeting the gate keeper requirements, plus it being a hotel. And then beyond that we would be looking for a community benefit analysis to support the additional f.a.r. up to 16-1. I had promised earlier that I would cover the green builder issue, and let me be clear with regard to that. The goal for this project remains leed gold. We have the same situation here that we've had with other projects in that particularly for a project of this magnitude and scale, the developers would like to work within a leed rating system rather than an austin green builder rating system because that's more recognized in the national and international market than the austin system. So there's no reduction in the commitment to reach leed gold, but we would rather not commission two separate sets of standards. And the leed standard is measured in arrears. It's measured after you receive your co and after you occupy for a bit. So my suggestions for modifications from what the planning commission included in their recommendation would be a leed certified or participation in the austin green builder program, but without stars or designation, quantifying the contribution to the historic castleman bull house at a half million dollars. And in terms of participating in that renovation. Supporting the palm park improvements to the tune of 2 fist thousand dollars. And then the -- clarifying the great streets participation with -- [buzzer sounds] mayor, I'll wrap up. A 12-foot wide sidewalk on cesar chavez because of the right-of-way issues at that point. And then on the north property line, since that will function primarily as a driveway, that that be nine feet. And I would mention that we have --

Mayor Leffingwell: Let me just ask you what are the additional conditions that you're including? Because your time has expired.

That would be it. That would be it. Thank you. And we have a meeting set with city staff to resolve all of the great streets issues on thursday. So I think all of that will be done as of thursday. I'll close. Thank

you for the additional time and I'm happy to answer questions.

Mayor Leffingwell: Thank you. One other speaker signed up for is August Harris. He had to leave, but he asked me to convey that in the name of the Heritage Society of Austin and he supports this zoning request. I believe those are all the speakers that I have signed up who are for. We'll go to those signed up against.

Tovo: Mayor, I'm sorry, but I did have a question for Mr. Drenner. Actually, I have two questions for Mr. Drenner. I wanted to be sure I understood what the suggestions were that you were making for changes in the restrictive covenant. I think I heard you say that you would be willing to quantify those financial contributions in the public restrictive covenant.

Yes, ma'am.

Tovo: Okay. Great. And secondly, the LEED -- I didn't understand the point you were making about the restrictive covenant, which understood it from Greg Guernsey, will not track to the green building program, but will track instead to LEED Gold, which I think I heard you saying was a more acceptable method for you because it equates to the international standards.

I'm sorry. The problem with putting that in the restrictive covenant is, first of all, it's a difficult goal to reach, but secondly it gets measured in arrears, if you will. And it's an issue we've had come up before. Our suggestion is that we meet the gatekeeper requirements for green building, but so that we don't have to commission it in two fashions, but in any event, if we have to accept a standard, I don't think the LEED standard is the one that should be in a restrictive covenant. Because of the measurement quandary that you reach.

Tovo: So a more preferable one would be to put the green building goal into the restrictive covenant versus LEED? I know it's not your absolute preference, but if we were to insist on a standard in that restrictive covenant would be better to track it to the green building, which is done as you build rather than after the fact.

That's correct.

Tovo: I guess I'll verify this with staff too, but a LEED Gold equates to two stars?

If we were trying to equate -- again, that's part of the issue is they don't measure exactly the same way. But a more comparable standard would be the two versus the three. Again, we're trying to get to LEED Gold, but it's a tough haul.

Tovo: And I see from down on the dais the Mayor holding up four fingers. So closer to four stars. Thanks for that.

Mayor Leffingwell: Perhaps four would be more associated with LEED Gold.

Tovo: Good. Thank you.

Spelman: Mayor?

Mayor Leffingwell: I would want that to be verified by somebody with expertise. Councilmember Spelman?

Spelman: I was going to Drenner was up at the mic -- he's not, but I think he needs the exercise. A quick

question. I'll have more questions for you later. I just wanted to catch one fact before we heard the anti-'s. How many spaces will be in the underground garage?

550 At a minimum.

Spelman: And the difference between above ground and below ground is --

roughly \$10,000 a space.

Spelman: Thank you.

Riley: Just a couple of questions. You mentioned there would be great streets treatment on both cesar chavez and red river and then on the north side of the building it would be did you say six feet?

Nine feet.

Riley: And how about on the eastern side of the building is really --.

We would meet the great streets program on both red river and the eastern side of the building. And the modifications will be 12 feet on cesar chavez and nine feet on the northside.

Riley: Would you expect that there would actually be access to the building on each side?

Yes.

Riley: Do you have any elevations showing the northside? I know that you mentioned the garage side, but I just ask because that is the side that has waller creek and i just wanted to see if we know what that's going to look like.

Take me to 15, if you will. This isn't a full answer, commissioner riley, but the left side of this picture would be the functional portion that -- of that effective driveway that goes around that, that happens that edge. And maybe number 7 is the next best thing that shows it in plan view. But basically you have that hotel opening and then you have the full service restaurant that are on that edge. Can I borrow you for a second?

Riley: The street that goes off to the left there, is that headed eastward?

That would be as you come off of red river it wraps back to the street that separates this project from the old palm school.

Riley: So that car in the lower right, that car is headed north?

That car is headed north.

Riley: Okay. Thanks.

Todd may be able to do a better job of explaining.

Hi. Would you like me to walk you through the streets and the elevations on each side?

Riley: That would be great. Again, as Steve mentioned, the view that we're --

Mayor Leffingwell: Introduce yourself.

I'm Todd Runkel working on the project with Man Chester of Texas. Let me explain this picture briefly again if we can go through the others. The view we're looking at is at the intersection of Red River and what is the driveway and/or could be considered Second Street. So the corner of the building we're looking at is actually the hotel lounge as well as the size that's facing Palm Park will be the three meal restaurant. So again the idea to activate at street level with retail and with restaurant functions. Again, this is a view looking at the main entry dropoff along Red River. It's a glassy, transparent building so you can see the activity along the street facade. This is the dropoff and the main entry for the hotel. Do you mind flipping to slide 11, please? Then on slide 11 what we're looking at on the image on the right, that is actually looking down Cesar Chavez and at the side facing Sabine. Again, it is -- we can implement the great streets along Sabine also, but that is more of the loading and some of the support functions for the building. Slide 54. The image that you're looking at on the left-hand side again is facing Palm Park, but again may get a better view in terms of the podium and how it addresses the park and then just the overall kind of impression again of that front corner at Red River and Palm Park. And that's really all four sides.

Riley: Thanks.

Cole: Mayor, I had a couple of questions.

Mayor Leffingwell: Mayor pro tem and then councilmember Tovo.

Cole: I appreciate this project and your taking the time to make us understand the schematics. I'm trying to make sure that I have a good understanding of where the creek flows as opposed to the hotel. First of all, the Red River side is right across from Ironworks and the convention center, is that correct?

That is right. If we can flip to slide 5, please. This may help a little bit. To your point, the creek is indicated in kind of the regular form in blue. You can see it circling down from Lady Bird Lake and up past the site disjunct that help a little bit?

Cole: That helps a lot. Because what I really want to focus on is the below grade pathways that are there now. And I'm sure that councilmember Riley is familiar with them. I believe that they only go north and south on the west Red River side. And they do not go underground toward the hotel west towards Palm Park. Is that correct?

That is correct.

Cole: And did you say the hotel was -- the restaurant was actually going to be located on the northern side facing Palm Park?

That's correct. It's on the northeast corner of the building. Again, kind of creating that front porch to Palm Park, again trying to make that connection and try to address the park with some activity and again bringing some life and vitality towards the park also.

Cole: So the hotel would be directly adjacent to the Castleman Bull House and then the (indiscernible) house, correct?

That is correct.

Cole: I've never known north, east, south and west until this moment?

The castleman bull house is directly north.

Cole: I think I've got the north, south, east, west correct for the first time in my life. So when we think about the surface improvements in connection with this piece of property, we need to think about I guess the pathway. And stay there a second because I'm going to ask councilmember riley a question. Is there a bike path on the side that does have the -- on the west side that does not connect underground to the east side? By the creek? Do you know?

Riley: If I may, there's not a bike lane -- i believe it is considered a bike route, but it is not actually -- there's no bike lane.

Cole: All right. Thank you.

Thank you.

Mayor Leffingwell: Councilmember riley. Excuse me, councilmember tovo was next. Do you want to let councilmember morrison go before you? Okay. Go ahead.

Tovo: I just had a very, very quick question. You had showed us a schematic drawing of the view from palm park and i wondered if you might just pull that up again, please. I want to be sure i understand it properly.

Slide 12, please. Again, this is looking at the building facing on to -- the long side of the building facing palm park. And we're looking south on red river. Does that help you?

Tovo: I think there was actually a drawing that we looked at. And I think it was a view from palm park. It was two images before we -- before you took the presentation down.

Slide 54, please.

Tovo: Okay. So I am in palm park looking south.

That's right.

Tovo: So if i understand this correctly, i think what you're calling a podium, basically the lower part of the building is what I would approach. If I'm walking from palm park, I would approach the lower part of the building and then the higher part is behind. And then you said the outside use, that ground floor use there would be a restaurant with outdoor seating as well?

That's correct. The outdoor seating is facing palm park and we're trying to create a front porch of the restaurant to the park to try to soften that edge. And likewise that corner of second street or what could be second street and red river then is the hotel lounge also. So again, trying to activate that entire edge along or facing palm park. And the hotel lobby then wraps around red river.

Tovo: Thank you for that additional clarification.

Mayor Leffingwell: Councilmember morrison.

Morrison: Thank you. I think these questions are for mr. drenner. You mentioned the split of the rooms

between five star and four star rooms. Could you remind me -- it's a thousand rooms altogether.

Yes, ma'am. So 777 four star rooms and 238 five star rooms.

Morrison: I'm sort of curious, putting that in context. Do you have any sense at this point in the city of how many four and five star rooms we have?

We've had this discussion and everybody has got a little different definition for that. The sense was that this -- particularly in the convention market that there was room at the top, if you will. That there was -- and that that's what might be missing from particularly hotels that are in this kind of proximity to the convention center. It's difficult to measure that against a price point, but I think it's fair to say it's the upper end of the convention market.

Morrison: So you don't really have any numbers to share with us to say that we have a thousand five star rooms right now, 10,000 or 500?

In terms of built rooms on the ground, I don't, but I'll do that research -- if it's -- I would do it in a radius. Obviously a room that's at 183 and 360 isn't going to be viewed as a convention room. But I'd be happy to do that research and get back to you with that number.

Morrison: I would appreciate that. Because I think that it's sort of a fundamental about our hotel industry and it's just really more for my edification than to see where these things are going to fit in. Thank you.

Cole: Mayor? I actually have a question for you related to this general site as we contemplate the tax implication and the designs and all of that. Do you know our relationship with the county in connection with the palm school?

Mayor Leffingwell: No. The palm school is obviously not a school anymore. It's owned by the county.

Cole: But there's no complicating like we had with the other properties as far as -- you've never been a part of any committee or anything dealing with that? Okay.

Mayor Leffingwell: We have one speaker signed up against. Clay dafoe.

Thank you, austin city council. Ladies who have stayed all day, I really appreciate you being here. My fellow citizens. We're looking at item 101, the grand hotel at waller creek. What we're doing, we're conducting this hearing to approve an ordinance amending chapter 25-2 of the austin city code by rezoning property locally known as 608 east cesar chavez street from central business district to central business district central urban redevelopment district. Cbd-cure is how it's acronymed there. I can use that as a verb. First I would like to say a few words about zoning in general. The whole reason we have zoning and we allow our government to decide these things is we want to take the input of the entire community and the citizens as to which areas we believe should be zoned certain ways. And I'm really dismayed by looking at this agenda and it seems for each property you deal with zoning and zoning changes. I know this happens every meeting. But I find it dangerous that we change the zoning just for one particular property owner or entity. I think zoning is an issue that deals with all the citizens of the city. Now, if you want to take the houston route and just not have zoning at all, that's a consideration, but I think we need to keep in mind the opinions and thoughts of the citizens here when deciding this very important crucial matter. Now, as you know, the city has given many tax breaks recently in the past few years to big hotels that, you know, pose as convention center hotels. We've seen the w, the austinian, some of these other hotels really get preferred status here at city hall. We're talking about four and five star hotel rooms. I don't know if you guys have been paying attention the last four or five years, but our economy is really struggling nationally. I don't think people are going to be able to afford all these five star hotel rooms in two or three years. We are getting too hotel top heavy here at city hall and

it's a pay to play system. We've seen a quarter million dollars being donated to redo palm park. In addition to the destruction of waller creek, which will occur, tied in with this and the waterloo park, waller creek tunnel project to make it like the san antonio riverwalk. I was here last week speaking against that. I hope you guys got the memo. But I do not believe that it's the government's job to subsidize hotels, whether it's through paks breaks, whether it's through mere changing of the zoning like what you have here. I'm not against development, I'm not against hotels doing their thing. I think it's a great thing. But when they're enabled by the government and when corporations are enabled by the government, it creates a lot of problems. So we need to look back at the foundations of law. Law is a negative, it's not a positive. And I see it all too often here used as a positive to benefit certain particular special interests, whether they be corporations or special groups of citizens. Please vote no on item 101. Thank you.

Mayor Leffinell: E are all the speakers that we have signed up against. One speaker signed up neutral, gregorio cesar. You have three minutes.

I won't take up that much of your name. I'm a staff at workers defense project. I know you guys have heard from us numerous times about our work and research alongside austin's construction workforce. A really long story short, conditions out there are poor. We live in the deadliest state in the entire country for construction. And the pay is really low and there's lots of workers that often times aren't paid at all for their work. So a lot of those jobs are bad jobs, aren't great jobs. I was glad to see that on drenner's presentation he talked about all the jobs that would be created on the construction of this hotel and we're really excited about the creation of jobs. But what I hope for and what I think a lot of us here believe is that austin doesn't just need jobs, but really needs good jobs. And the good news is it's not that hard to turn a bad job into a good job. A little bit of oversight and a little bit of effort to make sure people aren't paid under the table, that taxes are taken off, that people actually have worker's compensation, that people get minimal training on safety so they can do their job right. So I just want to stand here and register my hope and encouragement that downtown development and the people who invest in our city make it a priority to make good jobs so that we can all have an austin that we're really proud of and excited to be a part of. Thank you guys so much.

Mayor Leffingwell: Is there anyone else signed up to speak whose name I didn't call? Those are all the speakers that we have. So council, I'll entertain discussion, a motion on item 101. I believe we'd only be ready for first reading. Is that correct? Okay. Councilmember martinez moves to close the public hearing and approve on first reading only. Seconded by councilmember riley. Discussion? Mayor pro tem.

Cole: I just want to thank the applicant for bring this forward and more points to the waller creek conservancy and the heritage sewed for working together for the communicate benefits and I want to reiterate the public restrictive covenants, which are a leed certified building and contribution of \$500,000 to the castleman-bull house an trask. To support palm park in the amount of \$250,000 and to work on the great streets program, all four sides with staff. And in light of all these contributions, we will be adding to the tif and reducing the cost of an infrastructure project. So with that I will be supporting the motion.

Mayor Leffingwell: Councilmember riley.

Riley: Just one quick question for staff. drenner indicated his expectation that any sky bridge would need to come back to us for approval. Can you confirm that?

Let me say that generally a sky bridge that go over public rights of way require license agreement. Many of those in the city could actually be done as an administrative process, but through your design guidelines that you've already established downtown, the downtown plan moves forward, there's basically prohibition of that type of activity and the staff has the discretion to bring it to council. After talking with members of the public works department, we would probably do so with any kind of sky bridge that would be introduced downtown. So even though there's a possibility, it could be administratively approved with the policies that council has already established. And yes, we would

probably put in place for downtown plan and we would bring that to council's attention and your consideration.

Riley: Okay. Thanks.

Mayor Leffingwell: Councilmember Spelman.

Spelman: I have a couple of questions of Mr. Drenner. Steve, just a couple of questions. First question, what made me think of it actually is when Dafoe a modern ago rather eloquently provided the name of your hotel. The Grand Hotel on Waller Creek. And it hit me that this is on Waller Creek. It's probably going to have a rather large effect on the look and feel of Waller Creek itself. I wonder if you could describe for us what kind of conversations you've had with the Waller Creek Conservancy, which is as you know, engaged in the process of coming up with a master plan for the look and feel of Waller Creek?

It's an ongoing conversation. And one that I think has been productive. I look forward to it continuing to be productive. So we've talked. We've certainly shown the conservancy all of the pictures and more that you have seen. And we've talked with them about the future discussions that we'll have about sky bridges and so forth. We've talked with them about the process that they are undergoing with regard to the design of and potential renovation of Palm Park and the fact that we wanted to assist in that effort from a financial standpoint, not necessarily a design standpoint. And we talked about the importance of the Castleman-Bull House at the front door sitting at the edge of Waller Creek. And I don't want to put words in their mouth, but I think that I certainly haven't gotten the impression that they objected to the idea of having this particular use or this particular hotel at this location, but they're interested in the details as I think all of you are about how it will look and feel.

Spelman: Sure. I would imagine they would be interested too in the specifics as to how the half million dollars that the Castleman-Bull House could best be used and how that \$250,000 for Palm Park could best be used.

That will be in -- the latter point, that will be in their discretion. So the contribution gets made to them with no strings.

Spelman: So the Palm Park, 250,000-dollar contribution would go to the conservancy. Okay. Who is going to be the agent for the Castleman Bull improvements?

I think that the idea of on the Castleman Bull improvements, obviously we will be dealing with the city as the owner of that facility and certainly there's going to be the preservation society who has an historic stake in that house, if not present ownership. But it's going to be the city that would manage that process. We would hope that we could bring some of the expertise that we have in terms of actually doing not only planning, but perhaps some of the work in order to help achieve that goal. We think that gets a restored Castleman Bull House faster than just writing a check.

Spelman: I think you're absolutely right. Is it likely that between first reading, which we're able to hold tonight, and third reading, which will be able to hold in a couple of weeks or maybe a month, that you have a firmer idea for how the Palm Park improvements might be used or for how that Castleman Bull improvements might actually work through?

Let me distinguish the two. I think with regard to the Castleman Bull, yes. And we're going to continue that discussion again with the city, with the preservation society and certainly the conservancy has an interest in that as well. We are intentionally not trying to tie the conservancy's hands with regard to the use of our contribution to the park. I think they're very much, as they should be, to the process that they've set up in terms of the design competition that they're going to go through. And basically we're

saying use our money how you think best.

Spelman: So in that case the best way to get us to where we want to go is just to write the check.

Write the check. I think I'm pretty certain, given the conversations that we've had, that the conservancy would prefer that approach than us trying to insert ourselves into their process.

Spelman: That makes good sense. Do you anticipate any further conversations between now and the next couple of weeks with the conservancy?

I anticipate conversations absolutely between now and third reading, absolutely ongoing as hopefully this project moves forward.

Spelman: Good. I look forward to hearing more about that. Let me shift gears for you and I want to be sure I understand the contributions dafoe was again helpful in his error by suggesting that we were giving you an enormous amount of money for the privilege of building this hotel when in fact I'm just working out the things that you are spending, which could reasonably qualify as being community benefits. Not every dollar is going to be a community benefit. Some of this is going to be-- come back to the owners and operators of the hotel. Primarily going to be internalized rather than externalized. But there is a community benefit, for example, the below ground parking. We don't have to look at the above ground parking. It will be a much better building and a much better streetscape. And that's costing you about 5 million to go underground as opposed to the same number of spaces above ground. Is that right?

That's correct. And the above ground number would be reflected as if it was structured parking. Obviously surface parking is even less expensive than that. But the comparison that I made was below grade structured parking to above grade structured parking. And that's about a 5.5-million-dollar premium.

If I were going to put a dollar total on that, I would take some portion of 5 and give some to the city and some back to the developer if we were going to cut it up. But a substantial portion of that is going to be a public benefit because we won't have that look at that stuff. Half a million dollars for castleman bull. 250,000 For palm park. In addition, you're talking about leed gold, which is somewhere between two and four stars in the austin green building system, which is probably as precise as we need to make it. And there's going to be a public benefit associated with a cleaner, greener building. At one point I heard that you were going to talk about a green roof. Is that still on?

I think that the conversation has been a green roof, like city hall is a green roof. I don't think after this summer anybody is interested in doing a lot of --

Spelman: Augustine on the roof is probably not a smart idea.

We may be going the other way on that one.

Spelman: But there will be plant life on the roof and people are able to get up to it and see it?

Yes. And particularly as you see the podiums and obviously what the guests of the hotel would be seeing, it's important that that not be a stark situation and a lot of the amenity packages are actually on those podiums.

And you're also talking about meeting all the gateway requirements for the density program including

great streets all the way around, including places where there currently are no streets.

That's correct. And in fact, that driveway or street on the northern edge, there's nothing here today.

Sure. Now, if we were to -- you're bringing this before we had the chance to revise the downtown plan and pass it. The current version of the downtown plan has cure coming out and being replaced entirely with the density bonus program, which would be mandatory if we 's in advance for the zoning. Under the current version, the one which we would be looking at, may look at later today, you get an from eight to 12, just because you're a commercial building and you've met the gateway standards. You can go from 12 on up upwards if you can meet certain other requirements of which the only ones that I believe you can meet with this particular kind of a building is the green building standard of three stars, which is equivalent to the leed gold that you're talking about here. And michelle hausman and i were talking about this a couple of days ago and she and I greed this would get 6, but not all the way to 16 by itself. Does that sound about right?

That's about right. That portion of the downtown plan today says -- and then there will be other community benefits, mentions things like having activity on the street and so forth. But first for the detail of that through the implementation stage. Today, for instance, the downtown plan doesn't say specifically contribution forward castleman bull house account or toward the palm park, but I'm guessing -- I'm assuming that as it goes through the implementation stage that it would somehow be waived.

Spelman: In fact, the reason I'm walking you through this is to make a case for an amendment which we made from the dais last week, which is in the current version which we passed on first reading, which would allow you a means of getting from that 6 where you're kind of stalled, to getting up to the 16 you need in order to build enough height and under this to get a thousand rooms, which is what you need to make the market niche you have. And that would be in the current form to spend sufficient money on affordable housing and some combination of affordable housing at in this particular park downtown \$10 per bonus square foot. And for additional community benefits to be applied by y'all. And basically this would be a proposal that you would float to city staff which would verify that you're spending the amount of money necessary to qualify for the bonus square footage. Providing this may be a community benefit to justify , it would pass it on to us and we would decide whether or not that was the right kind of -- it was an appropriate proposal and would provide sufficient community benefits to be worth the increase in the f.a.r. Have you had a chance to look at that proposal by any chance?

Sure have.

Spelman: What do you think of it? Can you live with it?

Yes. On a general basis, it creates -- councilmember spelman, it creates the assumption that on each one cases that affordable housing is a priority, and obviously takes a piece of the economic benefit and specifies that it goes there. I think you could argue that you don't -- that that should be on a case-by-case basis, but in this -- but what I -- the balance that i like in that proposal is that it doesn't take all of it and say, we'll put all of that benefit towards affordable housing and let's don't count, for instance, castleman bull, palm park, whatever that other -- the other set of community benefits might be. So as a compromise, yes, i can live with it. In this particular case, though, we haven't factored in affordable housing because of the factors that we talked about today.

Spelman: And of course your case predates any changes in the plan. We haven't passed the plan yet. That makes perfectly good sense. I want to point out you're spending more money than you would have spent with the changes in the downtown plan. And I think you're providing arguably more community benefits if you add them all up, depending on how much you value below ground rather than above ground parking. I value quite a lot, particularly in this location, but you would -- instead of cure, if you came through with this case six or 10 weeks from now after the downtown austin plan had been passed, you would still have a way of qualifying that would be actually less -- you could qualify perhaps with less

nice building, you could still with that amendment and you could not have gotten it otherwise.

That's my understanding, yes, sir.

Spelman: Thank you, sir.

Cole: Mayor?

Mayor Leffingwell: Just to clarify, the motion on the table, maker of the motion is this is the planning commission recommendation that you want to approve on first reading only? I just wanted to make sure. Councilmember morrison.

Morrison: Mayor, I'm mindful of the time and I'm really hoping that we can get through this before we make, so I'm going to make my comments really brief. I will support this motion and we've really been through the wringer on cure and I appreciate the benefits this brings and the special considerations for hotels. And specifically that there is something -- there is an element of the ordinance that says that this f.a.r. Is granted for hotel use and if it changes use it will come back to council for different consideration. With all the numbers that have been thrown around and the estimates, I disagree with them all a little bit, but for the most part i think it's been a really -- they're close. And it's been an interesting case to be looking at. And one of the things that it really raised for me is we went through and looked at, from our estimates, the 's and all under the november 2010 plan, the staff recommendations and then, of course, with the cure adjustment. And one of the things that jumped out at me that i hadn't really realized before was the staff recommendation that came to change the november 2010 approach to density bonuses for leed or green star ratings. And so as we go forward -- because that made a huge difference in what would have been ranged in terms of f.a.r. and square footage. And so we're looking forward to talking about that as soon as we can talk about the downtown plan. I think it's an important piece of it to look at.

Cole: Mayor, I have a friendly amendment. I would like to make a friendly amendment to do the austin energy green building two-star program.

Mayor Leffingwell: Mayor pro tem offers a friendly amendment to require austin energy's two-star program. Maker?

Martinez: I'm not sure why we would do that if the developer is offering leed gold, which is four star.

Cole: I believe that all of the items that I read in before about the 500,000 and the 250 and the leed gold -- I needed to make all those in the form of an amendment because you just moved approval. And so that's what I'm trying to do.

Mayor Leffingwell: All of that is included in the motion on the table. We're including the leed gold standards.

Cole: Okay.

Mayor Leffingwell: So councilmember tovo.

Tovo: I wanted to clarify that too. It wasn't clear to me that the planning commission recommendations -- well, the planning commission recommendations didn't include the contributions that the developer has come forward with tonight. So I actually believed too that those needed to be amendments to the motion, that those be included in the restrictive covenant when it comes back to council. Is that correct? Anybody? Mr. guernsey? Or legal?

The planning commission's recommendation did not generalize the leed in green builder program. It did specify gold. It did not -- the planning commission recommendation did not address the half-million-dollar contribution or the historic castleman bull house or trask house, the 250,000 to support palm park improvements, nor any changes to the great streets program. Those were things that i think were discussed from the dais and perhaps by the applicant this evening. But those four items were not part of the planning commission recommendation. Staff and the law department do have some questions or concerns generally about public restrictive covenants with dollar donations, but if that's part of the motion, we'll bring that to your attention later.

Mayor Leffingwell: Could I ask the attorney to address those concerns?

Mayor, I think we're talking specifically about the contributions, that was the question?

Mayor Leffingwell: Yes.

I think we'll need to work with staff and the applicant to look at the relationship of those contributions to this zoning case. And obviously you're always looking for a close relationship between the zoning and its impacts and the benefits these contributions might confer. So I think we're going to need to have a little discussion with staff and the applicant. But we'll be ready to discuss that with you the next time it comes back.

Cole: Mayor, I have a question of mr. drenner. drenner, in light of i guess councilmember tovo and my trying to understand what would be -- help us with what it means to youd leed gold building standard as opposed to the austin energy green building two-star standard.

As a regulatory tool, something to be in a restrictive covenant, the leed gold standard doesn't work because the grading system happens after the fact, after you operate for a period of time. So my suggestion, strong suggestion, would be use the austin -- if you must, use the austin green building system at a two-star level, but leaving it at a leed gold level leads us with something that's not enforceable. And again, it's a losty target. I don't want to be penalized if we end up a couple of points short as graded by leed. It's not graded by the city of austin, it's graded by leed. And it's also graded on their timeline, which is whenever.

Cole: Thank you. Let me ask the attorney a question. We talked about your feeling more comfortable about the public restrictive covenants being discussed further with staff. And does that also include the austin energy two-star green building.

The same concerns don't really come up with the green building standards. I think that's more of a question for staff to answer and what they feel they can enforce and what they feel they can -- how they can address that issue? I don't think there's a legal issue associated with that?

Cole: Can I ask guernsey to come up and talk about the enforceability of the austin energy green building two-star program?

The green building program is something that we're even used to using 20 years now almost or more. And so that is actually applied during the building plan review process. We're very comfortable with that. The leed standards, just as drenner mentioned, are really on the back end of the project. The project is already built. So there's not a real mechanism for the city to come back and say, now you're short, you need to do certain things to bring a building up to leed standards because it's not a program that we can control during the building permit process.

Cole: Okay. Thank you. Mayor, I'll make a friendly amendment to the motion to have austin energy

green building two-star program.

Mayor Leffingwell: Councilmember martinez?

Martinez: Again, i don't understand the premise behind the motion? The developer is willing to go leed gold or whatever equivalent under green building, which could be higher than two star, so why don't we let them discuss this between first and second reading and come back with either three star, two star, four star or leed gold? He's offering to do more than that. So I can't accept that as a friendly amendment.

Cole: Okay. I was simply bringing it up now because there was an expression of concern about the leed gold. I understand your comments to mean that it is not a friendly amendment and you would like it to still be a part of the conversations that have to be done as part of the public restrictive covenant. So we'll see what comes out of the public restrictive covenant discussions and then take it up at that time. So mayor, I remove my amendment.

Mayor Leffingwell: So we are now with the planning commission recommendation with -- this is first reading only, so we have the opportunity for about a month to work out how these other items that we've discussed, leeds or green building standards,, the historic renovation, and the additions to the palm park and also great streets, all of that will be discussed. And in the meantime how to implement those requirements if they are implementable. And we'll address those when it comes back on second and third. Councilmember tovo.

Tovo: Mayor, I'm sorry, I know we're up against a time crunch, but I do have one last clarification with mr. drenner, please. And while he's coming up, I'll say I understand -- what I understand of mayor pro tem, your suggestion, it does seem to make some sense to maybe offer the developer some latitude from leed to green building, but I do agree that it should be -- if we're making that equivalency, that it should be four star and not two. But I do appreciate that it might be more feasible for the developer to use green building standards rather than lead. So that is something I hope will be contemplated. drenner, I want to clarify something. The contribution you're suggestions that would be made for palm park would go directly to the conservancy and it would be earmarked for palm park? I know you said you wanted to offer them some flexibility so you don't want them to say how that would be spent in palm park?

It would be earmarked for palm park.

Tovo: Great. So I would assume that there would also be an option of you doing a private restrictive covenant directly with the conservancy between now and then, if it's deemed inappropriate to put it in a public restrictive covenant.

Yes, ma'am.

Tovo: It's less clear to me what the option would be on castleman bull, but i do think these belong in some kind of quantifiable form. And I appreciate your willingness to do that.

Either way.

Tovo: I wanted to say i will be supporting the motion. Implied that we're being presented with a -- I am please that had we're being presented with a project that comes very close and i think the numbers I'm looking at too, that my office worked on with councilmember morrison's, are a little different than the ones that have been tossed around, but you're getting very close to what would be required of you under the density bonus program at the time when you came barred. I would say, though, that the difference between two star and four star is huge in terms of the quantifiable value. And we are not

close to those numbers at a two star level. So that's why I think that particular question is important. But this does in my opinion rise to the level of a project that is providing significant community benefits for the increase in exchange of entitlement that you're suggesting. So I will be supporting the motion.

Mayor Leffingwell: First reading, all in favor say aye? Opposed say no. It passes on a vote of seven to zero. And without objection, council, we are in recess for approximately one hour, perhaps more, for live music and proclamations.

Mayor Leffingwell: Time for live music. And tonight's entertainer is of course from austin, leticia rodriguez. She sings world music fusion of latin, folk, jazz and musical theater with artistry, personality and rich interpretation. Shus is an artist who began her career as a dancer while attending the university of texas, remained in dance as corey hepolaing on r choreographer, teach everybody, believe in me and later had her own performance company. She comes from an extended family of singers and song writers where music has always played a key role in her family. Her aunt was internationally renowned singer eva garza. Her brothers are also internationally recognized singer-song writers. Her main mission is to bring the blessings of art and music to multicultural audiences and to share the fruit of her talented artistic heritage howvment is that for an introduction? Please help me welcome leticia rodriguez! ♪♪♪♪ [applause]

Mayor Leffingwell: Excellent. And I didn't mention that your first cd is coming out, you're working on it now. It's coming out in the spring of 2012. And if you want, you can tell folks how they could get that cd if they wanted it and also tell us where you're going to be performing in the near future.

Thank you very much. I will, I'll be glad to do that. I do have a cd coming out. We were working on it just this week. It will be release understand may or june of 2012. In terms of finding out how you can get I leticia com is my website. And we're working towards that end to make sure it's out there in the public. We'll have all kinds of other ways through my wonderful media person to get that information to you, but that's the best way i can think of right now. I'm performing at popitino's, on november the 30, it's the most wonderful cantina that there is. What else can I tell you? I want to thank you for inviting us to be here today. And I wanted to just say a little aside that I was recalling when I got asked to be here today for this name recognition day, i remember when I was just a young parent that I used to do things similar to this for my children because it would make them feel really good. And I found out it works for adults too. So again, thank you. [Applause]

Mayor Leffingwell: It does work. I saw several people out there sort of getting into it while you were singing, especially gale chavez over here. Excellent. And thank you for coming down to perform in austin city hall for the people of austin on television. So it's our honor to have you here. And I have a proclamation which reads, be it known that whereas the city of austin, texas is blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because austin audiences support good music produced by legends, our local favorites and newcomers alike. And whereas we're pleased to showcase and show our support for local artists. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim NOVEMBER 10th, 2011 AS Leticia rodriguez day in austin, texas. Congratulations for you. [Applause]

Mayor Leffingwell: We're about now to show our appreciation for some folks who really perform a great service for people of austin. Perform a necessary service. One is that not always the most pleasant. Not one that we all like to think about all the time, but one that we know absolutely has to be done. And these folks here behind me are heros for what they do as far as I'm concerned. So I'm very proud to read a proclamation in honor of all of you. It reads, be it known that whereas every year more than one and a half million americans with life limiting illnesses and their families receive care from the nation's hospice programs and whereas skilled and compassionate hospice and palliative care professionals, including physicians, nurses, social workers, therapists, counselors, health aids and clergy provide comprehensive care focused on the needs of each individual patient. And whereas the provision of quality hospice and palliative care reaffirms our belief in the essential dignity of every person regardless

of age, health or social status and that every stage of human life deserves to be treated with the utmost respect and care. Now therefore I, Lee Leffingwell, Mayor of the City of Austin, Texas, do recognize the compassion and dedication that the caregivers at Odyssey Hospice provide on behalf of our citizens and do hereby proclaim November 2011 as National Hospice and Palliative Care Month in Austin, Texas. Congratulations and thank you, every one of you. And now I would like to ask Phillip Woodall if he would like to say a few words.

Thank you, Mayor. I am Dr. Phillip Woodall. And I am the local director for Odyssey. And I have a palliative practice where I go visit my patients in their homes and in their assisted living communities. At any one time I have over 100 patients who are on hospice through the over 30 different hospices in town that provide those services. And I wholeheartedly agree that Odyssey Hospice provides the quality of care for the -- for all these patients. At the heart of hospice is the value of life. Providing comfort with compassion and dignity. Also at the heart is the celebration of life, the love shared, the sacrifices made, being remembered at the time of passing of our loved ones into the spiritual. So thank you for the privilege of caring for your loved ones. [Applause]

Mayor Leffingwell: It's my honor now to read a proclamation which recognizes cancer awareness month. And I'm honored to be joined here with Greg Petrosewicz. And I want to thank you for what you do and thank you for being here tonight. It's my privilege to read this proclamation and present it to you and then you can say a few words if you would like. Be it known that whereas pancreatic cancer is the deadliest cancer and the fourth leading cause of cancer death in the United States. Approximately 2,200 deaths will occur in Texas this year. And whereas pancreatic cancer patients have the lowest survival rate of any major cancer, yet there have been no significant improvements in early detection treatment methods or survival rates for the disease in the past 40 years. And whereas the pancreatic cancer research and education act requires that the National Cancer Institute develop a strategic plan for battling pancreatic cancer and whereas the pancreatic cancer action network affiliate in Austin provides support for patients currently battling pancreatic cancer as well as the families of those who have lost their lives to the disease and are committed to nothing less than a cure for this devastating cancer. Now therefore I, Lee Leffingwell, Mayor of the City of Austin, do hereby proclaim November 2011 as Pancreatic Cancer Awareness Month in Austin, Texas. So with great humility I would like to present this to you and allow you to say a few words. [Applause]

Thank you, Mayor Leffingwell. We're so honored that this is the fourth year that City Council has recognized this as Pancreatic Cancer Awareness Month. Locally we've been an affiliate for about five years and we're just now starting to raise the awareness in the city. We've had three 5-K's. This past October we had one in downtown Austin and I can say that Austinites are supporting the cause in the five years we've been around we've raised a little over \$500,000 locally to go towards pancreatic cancer research and the programs that the Pancreatic Cancer Network provides. I lost my mother to the disease 10 years ago. She was diagnosed after two years of lower back pain through exploratory surgery where the cancer had spread too far. Seven months later she passed away. I want to let everybody know that next Sunday, November 20th, there will be a purple light vigil for hope on the south steps of the Capital Building. If you've been affected by pancreatic cancer, I urge you to go to purple.org and register for that event. It's a free event. Come out and just be with others who believe in the cause. And again, I thank you very much for having us here and giving us this proclamation. [Applause] [one moment, please, for change in captioners] Welcome, fellow veterans. I happen -- happened to do my service in the United States Navy, and so we are very proud to have the United States Marine Corps as one of our departments in the Navy and appreciate the good work they do for us. You've heard the rest of that joke. [Laughter] Should I tell the rest of that joke? I guess I'd better at this point. This is when you're supposed to say, yes, sir, we call it the men's department. [Laughter] and this is especially appropriate today because it is the birthday of the United States Marine Corps, and that means it's the birthday of every Marine, including Sergeant Alan Bergeron who does everything to help our city and veterans, the Guard or Reserves. So the City of Austin, of course, is nationally recognized that we received the Department of Defense Freedom Award back in 2008 in recognition of what we do for our Reservists. So when you go back home tell them -- tell them about what Austin does and try to spread the word about this. It is also the day before Veterans Day frankly we've been going to Veterans Day events all week, Alan and I, and

just went to a lunch yesterday to honor city of austin employees with a veterans day lunch. Alan provided us with about three hours of videos on the subject and everybody was well entertained. I'm just kidding, he didn't really do that much. Tomorrow there will be -- for everybody's information, there will be a parade here in the city of austin. 00 in the morning down by the river, and we will march up to the 30, giving time for the marines to finally make it up there. It's really rough today, isn't it? [Laughter] we're going to have a ceremony honoring our veterans on the capitol steps, south capitol steps, and it will be my privilege to once again honor our veterans with the proclamation from the city of austin. Veterans day, as you all -- as many of you may know, is a national holiday. It's also a city holiday, city of austin holiday, and it was originally designated as armistice day, when at the 11th hour on the 11th day of the 11th month, the truce to -- the treaty to end world war I was signed in a railroad car in northern europe. So in 1954 in recognition of all the other veterans who served in many other wars in which this country has regrettably been involved in, it was changed to veterans day being more all-inclusive. So it is my privilege to honor all of you here today, and thank you for your service to your country, past and present. Thanks to all of you. [Applause] I do have a couple of proclamations that I'm going to present, and I'm going to read one of them. They're both exactly the same, so you don't want to hear it twice. Before I do, I want to recognize my colleague, council member kathie tovo. Kathie, do you want to come up and join us? Kathie is not in the marine corps but she -- she has a brother who is a major general in the army. Be it known that whereas veterans day was begun as the commemoration of the end of hostilities of world war I which went into effect on the 11th hour of the 11th day of the 11th month, and whereas this year veterans day is uniquely symbolic as it falls on the 11th day of the 11th month of the 2,011th year. We honor them for patriotism and love to sacrifice for the common good. And whereas in honoring our veterans, we also wish to remember those who have made the ultimate sacrifice, laying down their lives that we may live in freedom, and whereas the city of austin, especially wishes to remember, commend and thank all of our sons and daughters who have served in the armed forces and given so much to preserve our american way of life. Now, therefore, i, lee leffingwell, mayor of the city of austin, texas and commander of the united states navy retired, do hereby proclaim november 11, 2011 as veterans day in austin, texas. Congratulations to all of you. [Applause] let's give our veterans a big hand. [Applause] so i believe our vfw veteran is john [inaudible]. Do you want to say a couple words?

Alan -- we'll make it easier.

Okay. mayor, I think the reputation of the city of austin, when it comes to veterans, is known far and wide. I've had the great honor and pleasure of serving on a number of projects with alan bergeron, and I find him as being typical of the efforts that the city of austin puts in to caring for our veterans. Alan and the city are dedicate to do our veterans. They have done so many programs, so many things to assist veterans here and around the city of austin. I think it's nice, also, that we see not only those of us who have served in the past but also those who are serving now, and it's important to remember that as soon as they put that uniform on, as soon as they take that oath, they are veterans of the united states military forces, and I will contend forever that it is the greatest military force in the history of our world. [Applause] mayor, on behalf of the 4,618 vfw members in the austin area and the 81,000 vfw members in the state of texas, I thank you very much for this great honor. Good luck and god bless you, sir. thank you for being here and god bless you.

My pleasure. [Applause] gonzales gonzales come on up, guys, we're going to do the proclamation on the great american smoke-out. Come over here first while we do the proclamation and then we'll take the picture. It's my honor to present the next proclamation in commemoration of the annual great american smoke-out. November 17 marks the 36th great american smoke-out sponsored by the american cancer soart. Just a little bit of facts about kind of the detrimental side effect of tobacco use. There are 443,000 deaths in the united states each year due to tobacco use. 24,000 Debts in texas, and here in austin, texas, in travis county, there are 11 deaths per week attributed to tobacco use. So the great american smoke-out really does help folks take that initial step because if you can quit for one day, you can quit for a second and a third and a fourth and hopefully forever. And so it is with great honor and privilege that i get to present this proclamation to our health and human service director, rivera and phil wong, our medical director here at the city of austin. So I want to read this proclamation and then I'll rivera to come say a few words. The proclamation reads that be it known that whereas for

more than 30 years the american cancer society's great american smoke-out has encouraged smokers to quit for a lifetime by starting with just one day and whereas lung cancer is the leading cause of -- cancer-related death for both men and women and increasing numbers of teens experimenting with an addictive substance that causes increase of cancer and tobacco kills more people than aids, heroin, crack, alcohol, car accidents, homicide and fires combined. Every week more than 11 citizens in austin/travis county lose their lives to tobacco-related disease, and whereas we encourage all tobacco users to demonstrate to themselves and to our children that they can quit, and we urge children not to start using tobacco by joining this year's great american smoke-out. Now, therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim november 17, 2011 as the american cancer society's great american smoke-out. [Applause]

I just want to thank the health & human services department and also our partners across travis county, and I especially want to thank the manor youth tobacco coalition for their commitment to living a smoke-free life. One of the single most important things you can do to improve your health is not to smoke at all but also to quit smoking. So we look forward to this important day, and I want to ask medical director and health this morning, phil wong, to come and make a few statements. Thank you.

The burden of tobacco use is tremendous and it's the number one preventable cause of death and disability in our community. And it's entirely preventable. The other thing is it's not only just the tobacco users that are impacted, secondhand smoke also impacts both smokers and nonsmokers, and, in fact, we estimate about 4300 nonsmokers die each year just in texas from exposure to secondhand smoke. surgeon general has reported that -- considers that there is no safe level of exposure to secondhand smoke. The other thing is that we do know that there's a lot of activities going on here in austin around the great american smoke-out, and the cancer prevention research institute of texas is hosting like hundreds of some of the leading cancer researchers that are coming to our community and they'll be around in austin during the great american smoke-out. So hhsd we applaud and support the efforts of the american cancer society and smoke-out to help people get motivated to quit smoking and we're proud to be partners in tobacco prevention and control in austin. Thank you. [Applause] and now I get the privilege of presenting a certificate of appreciation to local advertising firm, momosak and we have lawrence casey and stephanie here from mosak. Really what this is, this is a private firm that we contracted with to do some advertising for us but it's not your typical scenario. This is our biggest initiative that we've ever undertaken with regards to animal services, and that was to achieve no-kill, which means 90% of all the intake that comes to our animal shelter is adopted out alive and healthy. And we can't do that without messaging it appropriately and getting that message to the right folks to help us make this happen. And so mosak was a part of this program, but they donated more than \$20,000 of in-kind services to the animal shelter so that we could achieve no-kill and maintain no-kill. They ran public awareness campaigns throughout the city and did advertising on yellow cab taxis, on cap metro buses, and so obviously we achieved some tremendous things and we could not have done it without mosak and so we are here today to thank them and recognize their efforts in helping austin become the largest city in the entire country to achieve no-kill and maintain no-kill. So with that I want to present this certificate of appreciation, and it reads, for donating more than 200 hours of their creative talent to develop three very important public awareness campaigns for the city of austin's animal center, mosak advertising and insight is deserving of public acclaim and recognition, in partnership with the city communication and public information office, mosak created successful ads that were using on taxi billboard, bus wraps and flyers and in newspaper, radio and tv ads. These campaigns supported the city's efforts to reach its no-kill status by saving more than 90% of the animals that entered the animal shelter. The campaign's publicized spay neutering services, adopting and fostering pets from the shelter and the move to the new austin animal center. We greatly appreciate mosak's generous donation of time and talent that benefited the animal center and austin's four-legged citizens, presented this 10th day of november in the year 2011, and it will be signed by the mayor -- by mayor lee leffingwell and embarrass the names of the entire council. [Applause]

thank you very much on behalf of everyone at mos arc k we wanted to say -- mosak we wanted to thank for having us, we are thrilled with our partnership and are committed to the no-kill. I'm going to

turn this over to [inaudible] laura because they are the creative force.

Hello, my name is loren clancy. I'm one of the passionate designers that have been afforded the opportunity to work for the austin animal center. Our director at mosak, helped design the spring and fall campaign sweating creating the new animal center logo. The relationship of us and the animal center came at a perfect time for me. I had just adopted my first puppy to call my own so i couldn't have been happier to [inaudible] to the animals of austin. It's quite literally different working with the animal center than our normal day-to-day clients, which makes that part of the day one I look forward to. It's rewarding to myself and [inaudible] at such a great cost. [Applause] aim is casey assign. I'm a graphic designer at mosak, and I started working for them this year about the time time we started working for the animal center. I was attracted to mosak because of their philanthropy. They take on pro bono cases. I have also had a passion for helping and working with animals and it's been a joy to design for the austin animal center. They've always said thank you and been so grateful for our tall entsz and insight. It's -- talents and insight. It's rare in the ad business to get to do design work without limitations. It allows us to put our heart and soul into creating, and the end results, we are very proud of the work we did for them. There's no psychiatrist in the world that's like a puppy licking your face. Thank you. if I could just add one little plug, this saturday is the official grand opening of our new animal service center on vander loop. It will be at 10:00 a.m. We invite everyone to come out and share this tremendous moment in the history of austin. So we hope to see you saturday morning.

Riley: my turn. I am austin city council member chris riley and I and it's my gresh pleasure opportunity to recognize a program we've been proud of here in austin for some time. Our green building program at austin energy. For a long time now we've known that austin energy had a very special thing going with its program and that it was having worldwide implications, but now we actually have worldwide recognition that our program really is one that has had that kind of impact, that it has truly profound impact across the globe. In fact, we have been recognized by the united nations with a very prestigious award, which I'll bring up in just a moment. I'm going to have to have someone give me a hand bringing it over here because it's quite an object. And in recognition of this prestigious award I'm going to present a proclamation on behalf of the mayor and the whole city council. Let's get that over here. Very beautiful award from the united nations, u.n. Habitat for a better future. habitat scroll of honor award. I'm going to let richard morgan hold the award, try to make sure I don't drop it. I'll go ahead and read the certificate that we're awarding. The certificate of congratulations for having been woorlded -- for having been honored with the prestigious award from the united nations, austin energy green building [inaudible] public acclaim and recognition. habitat scroll of honor award pay tribute to individuals and institutions which improve the living conditions in global urban centers. Austin energy green building was selected for recognition for being the first in the united states to lead the way in sustainable building practices and commercial construction. Since 1991 austin energy green building has been ensuring that buildings are energy efficient, thus making a positive, sustainable, durable contribution to our city. As a leader in this arena our green building organization can consulted nationally and internationally. We are pleased to join the un in acknowledging the green building program during their 20th anniversary year and we congratulate them on this special award. This certificate is presented the 10th day of november in the year 2011 by the city council of austin, texas. This certificate is signed by mayor lee leffingwell, and I'm very pleased to present the certificate to richard morgan, who has been with austin energy for 13 years and he's joined by a number of other folks at austin energy who are involved with green building and I'm going to invite richard to say a few words. Richard?

Thank you, councilman riley, and thank you to all of the council, and especially to the citizens of austin, because as councilman riley said we've been doing this for 20 years now. This is actually our second u.n. award. The first was in 1992 when we were just starting, and i like to think of that award as recognition of the planning for -- laying the groundwork for a fantastic program and now this shows that over the last 20 years these folks and a lot of other folks just like them who have gone through the program and this is just part of our staff, but it's a fantastic staff and the building community in the city of austin have really put us on the map as being a center for green building, as being the place where so much innovation around building and energy and water sustainability all happen. And we couldn't do that in many other cities. This is -- the citizens of this city have supported us so long and so well, and

they are the ones who really deserve this award, because without them we couldn't have done this. Thank you. [Applause] zi phi well, when my boys were younger and I would come home they would always run and say, mama, mama, mama, mama, and now that they're 15 and 18 they do no such thing and I always yell at them and call their names, and they say, we're not 4 years old anymore and why do you do that? And I say, well, I'm just looking for my dogs. And they say, your dogs? And I say, yeah, I think I'll call you baby dog and lee dog. And part of the reason that I came up with that name for them is because i affectionately remember in college the q dog, and no, I'm not a q dog, but I do remember the parties and the fraternities -- the fraternities and the parties they gave but more important the social service community. So with that I will read your proclamation. Be it known that whereas omega psi phi was founded at howard university 100 years ago on november 17, 1911 with its name derived from a greek phrase meaning friendship is essential to the soul, and whereas austin's epsilon iota chapter was chartered in 1941 as an organization that promotes cultural, social, academic and civic life in our community, and the fraternity has contributed greatly to our city every day. Whereas, the chapter sponsors a scholarship golf tournament, participants in the juneteenth and mlk celebration, blood drive and school supply give away, carries out the bridge builders program and coordinates the [inaudible]. And whereas we're pleased to congratulate the members of omega psi phi on their centennial and encourage austinites to enjoy the historical display of the [inaudible]. Therefore, I lee leffingwell, mayor of the city of austin, texas, do hereby proclaim november 17, 2011 as omega psi phi day. Would one of you like to speak? [Applause]

first of all, I am eric willis. I'm the current vice [inaudible] of epsilon iota here in austin, texas. I'm newly elected so I stand on the backs of many good men who have put forth many hours, many years into this great fraternity, even this group behind me. So again, I want to thank the city of austin. I want to thank mayor pro tem, sheryl cole, for this recognition today during our centennial celebration, which this is the official kickoff of that celebration that will go through next week. So I had a long list of things to read through, but mayor pro tem sheryl cole has already done that, but again, I just want to thank the city of austin for recognizing us during that time as we go through our celebration. Now, we do have a couple of activities that will be open to the public next week to commemorate 100 years of omega psi phi. One of them she mentioned was the frank rice spelling bee. That will be taking place next week, tuesday, at the 00 p.m. So that is open to the public and just one of the many things we do here in the community of austin. We will also be having a reception at the carver museum, which will be next week, thursday on our actual centennial date, which is november 17. That will start at 6:00 p.m. So that will be open to the public and we'll actually have an omega psi phi exhibit on display at carver museum. And we will wrap up the week and our centennial celebration with a banquet at the weston [inaudible] here in austin, which will be next week, saturday, november the 19th. And again, that will be open to the public where we will also recognize some of the citizens here in austin that we've worked closely with and recognize them for their contributions to the austin community. So again, I want to thank the city of austin, thank mayor pro tem sheryl cole for her recognition tonight, and we look forward to another 100 years of serving the city of austin. Thank you. [Applause] burleson-felter

Mayor Leffingwell: We're out of recess and we'll pick up with zoning case number 102. You're coming up, I want to recognize the boy scout group from steiner ranch. Please stand so you can be recognized. [Applause] welcome to austin city hall.

Thank you, mayor and council. Item 102 is case is a zoning can change to change the conditional zoning. The property itself is about 32 acres out of a larger tract area that was originally part of the t.o.d. of 73 acres. And the proposal is to change different portions of the regulating plan that originally referenced a prior ordinance which was a lipda ordinance that spoke to development on the property. They would like to change and amend the schedule of the minimum lot sizes, minimum lot widths, maximum heights, setbacks for single-family residential, also maximum building coverage and impervious cover. Also changing townhouse and condominium standards for the minimum lot size, maximum height, minimum street side yard, building coverage and impervious cover. And also to modify for all other uses the minimum lot size, impervious cover and building coverage. In addition, they would like to allow duplexes as a permitted use on the property. Also to amend the p.d.a. That's referenced in the to 1,000 trips tomorrow. They also would like to change a provision that would adjust compatibility

standards on the site so that when these houses or duplexes are built that they are not going to affect the multi-family that's within the property already. They wouldn't affect the properties surrounding this property but within this particular t.o.d. area. And finally, that they would like to modify the height requirement of a fence along the boundary lines of the lots that are along the red line that border this property. The planning -- let me talk about some of the uses on the property. As I said before, the site is zoned tod-npt south is t.o.d. And multi-family, to the use and commercial, and to the west across the railroad tracks is sf-3-np. The planning commission recommendation was to grant the staff's recommendation with some modifications. Staff recommended a height along the rail line be limited to eight feet and not ten feet. The commission recommended the ten foot height for the fence. Staff also as part of the modification to the application that the street connection be limited to emergency access only with a closed gate access only for first responders and not for general use by the public. The commission modified to make sure that bicycle and pedestrian access was also allowed. The commission voted on this on a 6-0 vote and I think I'll pause at this time. If you have any questions, I know that Alice Glasco is here and Richard Mayor is here and I think they have a presentation they would like to give you on the project.

Mayor Leffingwell: Questions for staff? Okay, we'll hear from the applicant. Glasco, you are the applicant. Applicant's representative. So is Justin Davis here? Justin Davis. Justin was donating time to you but he's not here so you have five minutes.

Thank you, Mayor. Good evening, Mayor and Councilmembers. I'm Alice Glasco representing Continental Homes also known as D. R. Horton. Guernsey gave you a highlight of the amendments we're making to the P.D.A. Which is an exhibit to the Lamar Justin Lane Regulating Plan, I'll just guff you some justification as to why we're requesting this. The chart that is being amended that is an exhibit ordinance is being adjusted to be consistent with a t.o.d. Regulating Plan. Regulating Plan has site development regulations and are P.D.A. Also has its own site development regulations and your Regulating Plan which I have here in front of me states that whenever there's a conflict between this document and the exhibit that the referenced in here that the document takes precedence over the Regulating Plan to. The extent you had your standards that relate to your setbacks, your height and your impervious cover and other setbacks, there have been some inconsistencies so we're making those consistent with the Regulating Plan so there's no confusion when we're going through the subdivision stage. Secondly, the -- the P.D.A. Allows duplexes -- I'm sorry, the Regulating Plan allows duplexes. Does not so we're making that consistent also. So that's another amendment right there. Reads as follows for paragraph number 25, state it states the entire project is limited to 1,000 trips on tomorrow street. It's important to note that the ordinance for the property does not prohibit access to Mauro Street. It just states access if taken should be limited to 1,000 trips per day. The fourth request has to do with amending paragraph 20 of that has to do with compatibility trigger for on site and that is to be consistent with a goal of allowing as much density as possible within a t.o.d. So to the extent the single-family development built before the last two phases of the multi-family is built, the single-family will affect height and density of the multi-family projects reducing density when you want a lot of density in a t.o.d. And that's something staff suggested to obviously enhance and encourage intensity and density on the site. The first amendment has to do with amending the city code which allows a fence up to eight feet, that's allowed. All we're asking is just for those properties adjacent to the railroad to be able to make those lots more marketable that a fence of ten feet would help alleviate and also screen trains especially freight trains with visible cargo because the cargo on freights can be rather high when they are stacked up, depending on what's being shipped on those cargo trains. That's the extent of our request. That is all we're asking for. We are not changing anything else, and again, it's just to have consistency between the and the Justin Lamar Regulating Plan. That concludes my presentation.

Mayor Leffingwell: Glasco, the less than thousand trips a day limitation, is that limitation imposed by who?

It was immaterial supposed by the city council in 2004 when the ordinance -- the was applied to the property. The owners of the property, they are known as the Huntsmen, had filed a zoning change to change it to industrial with a P.D.A. Before the neighborhood plans came along and before the Regulating

plan. The -- the neighborhood obviously spoke at the time and was concerned about the amount of traffic on to mauro street and the city council debated between limit to go 4,000 trips and some number below that. They ended up settling at a thousand trips on tomorrow. Our traffic consultant is here and he's going to give you a presentation after richard mayor will give an overview of the project.

Mayor Leffingwell: Okay. Anyone else? We'll hear from -- now from those in favor. Richard meyer. And donating time is tom anchor. Is tom anchor here? Stacy lane? Stacy is here. So you have six minutes.

Thank you. Good evening. I represent dr horton, my company is the largest home builder in the united states and texas. We employ 350 full time and part time people in central texas and we generate nearly a quarter of a million dollars to the central texas economy on an annual basis. Crestview station was started many years ago. Our component of the project, which is the northernmost 30 acres, is going to be designed and built out as for sale single-family residences. Some will be attached units in the form of townhouses and duplexes and some will be single-family, small lots and similar to some of the stuff you see at miller. We're investing nearly \$80 million in the project and unlike the triangle, mueller and domain we're doing it without any that will bring more homeownership to the central city in a transit oriented location. As you know, there's a train station right there. Our design incorporates trees, pedestrian walkways, a variety of home designs and elevations and a very pedestrian oriented development with narrow streets. We have met with the nearby neighborhood association and have discussed their issues and our issues. At this point I believe we have mostly just one issue that we are somewhat in disagreement on and it has to do with the access to mauro street which we believe is important for the marketability of our product, project, and the connectivity to the neighborhood. And the surrounding area. Our objective is to create an urban oasis that furthers the city's goal a compact city where people don't need to get into their cars to go everywhere. They can ride the lamar street bus which is very frequent and they can get on the train. We look forward to your approval of our zoning request and I'm available to answer any questions you might have.

Mayor Leffingwell: Mayor pro tem?

Cole: I have a couple of quick questions. It looks like the staff and the planning commission made the exact same recommendation. Is that correct?

Yes, that's correct.

Cole: That's correct, okay. Okay, I'll save my questions until after the speakers.

Mayor Leffingwell: Next speaker is roshad islam. Donating time is koran cosla and brian williams. All right, so roshad, you have up to nine minutes.

Thank you, mayor. Good evening, I'm with hdr engineering. We are the traffic consultant to continental homes and helping with this update. Just a brief history of the project. We did a comprehensive traffic impact study for the entire property in 2005 looking at the land use plan at that time. In 2007 we updated that plan with a much reused density and as part of this update we looked at traffic operations and connectivity issues along mauro street. And in conjunction with restrictions on their lipda of a thousand trips. What we looked at, we went and collected daily traffic volumes on mauro street, which is about 1600 vehicles per day and based on the site traffic that we have from this property which includes, you know, crestview station and all the ballfields, we are estimating about 742 trips that will be added on mauro street. And one of the things that we analyzed as part of this update is connection to mauro street from the property. And when analyzing that, we looked at intersection operations at mauro street, that intersection, but we also kept in mind the connectivity issues and also the pedestrian concerns that the neighborhood had. And as a result we are proposing for your approval a limited purpose driveway on mauro street which only will allow a right in and a right out from that driveway on to mauro street. The main concern is that cut-through traffic from lamar going to west on mauro street will be [indiscernible] with that configuration and it will provide connectivity and also allow trips coming to the

crestview station from the neighborhood rather than going into lamar, they will be able to access the property from that mauro street. One thing I want to highlight is irrespective of that access, you know, we'll still have that 742 trips on mauro street added to that which includes the ball field. So that's just a quick presentation and I'll be happy to answer any questions.

Mayor Leffingwell: Councilmember spelman.

Spelman: 742 Sound really precise. I understand when you do the calculations you come up with 73 and you round it up and that's your number. But could you put a constant interval around that 742 for me?

Councilmember, I think what trip generation manual which generates all the trips and based on that we estimate where the trips can come from based on connectivity, based on overall traffic pattern, we estimate a directional distribution. So based to that, you know, we estimate what the trip forecast would be. So in general what we have typically on these projects, you can go back and, you know, put use on the documents where the trips are but in general those estimates have not been done afterwards. And mueller project we are looking at those kind of where the trips are coming from. In general they are lower than expected estimates and estimates are in general a little higher.

Could you walk through me real briefly, not much technical detail -- first, how many trips coming out of the development are we talking about?

We are estimating about -- I'm going to give you those specific numbers because those are -- 9,404 new vehicle trips per day.

Spelman: Coming in, going out, including the commercial and residential sections.

Including the ballfields.

Spelman: Yeah, exactly. Some days higher, some days lower. That's 9404 for the average weekday?

Yes.

Spelman: Got it. and 742 is less than 10%.

Yes.

Spelman: How is it -- what kind of things do you do with a model that gets you 742 of those 9400?

Basically we -- the ballfields will have access on mauro street and for the rest of the property we estimated about 5% of overall trips will come from that neighborhood on mauro street.

Spelman: So the ballfields are generating their own traffic. I could work out the numbers, but of the 742 total trips on mauro, how many are fall field trips and how many are the 5%?

The precise number is about 286. That's based on trip generation for five ballfields and the remaining around 450 would be coming from the entire development.

Spelman: So the delta, the difference between what mauro looks like without access and with access is about 500 vehicle trips per day.

No. It's about the same. Because without the access, those trips will still be on mauro street, they will be

coming on lamar, make a right and entering through the access point on lamar. We're not increasing any more trips on mauro street. With and without those trips stay the same.

Spelman: Help me with this. You are going to get the same amount of traffic on mauro street you are suggesting.

Yes, sir.

Spelman: But instead of getting basically taking the shortcut on to mauro street you are going to have to get on lamar because that's the only way in and out. Go all the way to the corner of lamar and mauro street and make a left turn and come up that way.

If you are coming let's say inbound traffic, you will come along mauro street and make a right on lamar and enter through the access on ban i don't know street, one on st. john's and one in between.

Spelman: Three driveways on lamar. So somebody coming in on mauro, --

yes, sir.

Spelman: Is anybody likely to be coming in the opposite direction?

Heading out, you know, they will be right now with this configuration limited purpose configuration, they will be exiting on lamar and going north and 183 they will have to make a u-turn because of the [indiscernible] at that intersection.

Spelman: They might avoid mauro and take anderson or something instead.

Yes, sir.

Spelman: So you would get roughly half the traffic which you would be getting on to mauro if you had the shortcut. May be less than that. There's going to be a delta there. Some of those people are going to make the left turn, realize they can't get on mauro and say the heck with it and keep going to anderson. So I could anticipate a little less traffic on mauro.

And they have other options.

Spelman: There's a delta, but it's not 742 trips at all and it's probably closer to half of the 450, maybe a little less, maybe a couple hundred trips.

I mean the 4. 450 Two-waytrip. If you take the half and the remaining half is outbound fingerprints so different route on that mauro and west side.

Spelman: High pressure me understand what is the practical effect on a two-way arterial, I'm not sure the technical term, what would be the effect from a practical point of view of 200, 300 trips on mauro over the course of a day?

Right now the daily trip is about 1611 trips, and on the peak hour we are adding about peak hour adding about 100 additional trips. And if you look at that intersection, the limited purpose access intersections, if you based on the peak hour operational analysis, that intersection is still going to operate at acceptable levels of service which is level offer is vase a, the best level of service we can have.

Spelman: The intersection of lamar and mauro is still going to be an a level intersection.

Lamar and the access driveway that we have.

Spelman: Okay. And that's usually the way we measure stuff is on the basis of how intersections behave rather than on the basis of how many cars are just passing through an open street.

Yes, sir, I think sit's tia guidelines are graded a through f and a through d is deem acceptable and e and f is unacceptable for which we have to provide mitigation efforts.

Spelman: Does this have any material effect on quality of the intersection at lamar?

If we do this limited purpose access, we can eliminate some of the trips from the lamar and mauro intersections that companies will be going through this intersection so we'll be able to pull that, you know, entering trips out of that intersection.

Spelman: Okay. So it may improve the intersection, the behavior of the intersection a little bit. How if an intersection is that right now?

Based on the -- you know, when we did the last tia, the level of services were b in the morning, peak in the afternoon.

Spelman: So many of our intersections, of course, are d this the -- and your best guess is that d would improve a little bit. It might be a d plus.

Yeah, I would say that, i mean there will be a little bit with less trips, less delay on that eastbound mauro street approach that we don't have that, you know, quantified ride notice.

Spelman: Let me ask you a hypothetical and I'll leave you alone. If hypothetically we were to -- we believe that your 742 is a reasonable best guess, but, of course, we know it might be higher, it might be lower depending on particular traffic patterns.

Yes, sir.

Spelman: Word gets around this is an easy way, things like that. If we were to ask you to put traffic tubes on mauro to count the difference, or maybe on your access point, to count the number of people coming in and going out at the access point, would that give us a pretty good idea for how much more or less traffic is going on to mauro as a result of what you are doing or is there a better way to do it?

If we have the access, we can lay out a could be a and document how many trips are coming in and out of that driveway on a daily basis. Little when we laid out the tube on mauro we counted 1611 trips than that included the ball field. We are adding the ball field trips in addition, you know, on top of that.

Spelman: The ball field isn't changing, it's got the same uses under your proposal.

Yes, but document what trips are coming in and out of that driveway.

Spelman: So your best guess is around 450?

That's our, yes, sir, best guess.

Spelman: Okay. If there were a way -- is this an expensive proposition? Does this cost a lot of money to

lay down the traffic troops, count them, come up with a short report?

No.

Spelman: If one were to ask you to do this a couple of times after buildout and verify that the number of cars going in and out is in fact consistent with your expectations and certainly not over the thousand vehicle trips per day maximum that was allowed by council in 2000, you would be able to do that -- 2004, you would be able to do that?

I'm sure there wouldn't be any problem for us to go back and put tubes.

Spelman: And you lay down the tubes and at the end of the week you can tell us whether it works or not?

Yes, sir.

Spelman: meyer has something to say.

He collects the check. Actually that -- that driveway is in our phase four of five phases so we don't anticipate that driveway even going in for probably three years or so.

Spelman: It makes it even cheaper.

I'm perfectly happy to get traffic counts.

Spelman: If we required you to do traffic counts and I'm thinking we might conceivably do is require to you do traffic counts and if the traffic counts say two successive times were -- add added up to a thousand trips including the ballfields you would have to close that access point.

As long as my homeowners were aware that could happen.

Spelman: Even fair warning this is something which they could lose if they used it too often I think it would be in keeping with the neighborhood's best interests as well.

Right. I'm fine with that.

Spelman: Okay. Thank you.

Mayor Leffingwell: Now we'll go to the speakers signed up against. Chip harris.

Thank you so much.

Mayor Leffingwell: Chip harris. You have three minutes.

Mayor, mayor pro tem, council my name is chip harris. I'm here to request council approve staff recommendation for if applicant requested change in zoning. Specifically that item 3 applicant's request to delete or amend the original ordinance being approved conditionally. That the street connection to mauro street be more knowledge access only accessible to first responders and not open to general reeve hick you already traffic. As your backup reads, the city's justification is due to the fact even though the allows for a thousand trips there is no way of ensuring that limit is not exceeded. And that is the crux of the matter. Based on traffic counts taken by the city of austin during the last couple of years, the existing traffic volume on mauro is already nearly double the 1200 vehicle -- operating level for

residential streets based on the city's planned development code. And staff states in their backup material an additional 800 vehicle trips per day will be added to mauro when the development is built out in 2014. Add to that an unknown number of additional vehicle trips per day as a result of modifications to open the intersection of mauro and lamar recently approved by the city council transportation subcommittee. If the developer were only asking for access to mauro for residents of the development it would be one thing. But access for us is really an invitation to the 40,000 vehicles on lamar to once again have a relatively easy access to mauro and the last time that was westbound on mauro, traffic counts rivaled excellent compromise to provide emergency access without further degrading the quality of life on mauro. The only other request I have is that the zoning approved conditionally on the requirement that new housing in the development along the south side of mauro actually face mauro street so mauro residents have a better sense of community with the new construction across the street. It's proposed the development have all the homes back up to mauro and construct a privacy fence on the south side effectively separating these new residents from neighbors across the street. In conclusion, I'm requesting that council approve staff's recommendation to limit access to mauro to emergency vehicles and to maintain the thousand vehicle trips per day limit that council originally imposed on this development. In addition please require the housing actually face mauro other than back up to the street. [Buzzer sounding] thank you for your consideration. I ought to just mention that the crestview neighborhood planning contact team voted unanimously with 35 members present to maintain the thousand vehicle --

Mayor Leffingwell: Thank you, mr. harris. Your time has expired.

Thank you.

Mayor Leffingwell: I was just going to say you are right on time. Eddie gary. You have three minutes.

Thank you. Mayor, mayor pro tem, councilmembers, thank you for the time and opportunity. Eddie gary, I'm here on behalf of crestview neighborhood and mauro residents of which I am one. I live right across from the parking lot. The ballfields. The numbers are low. On an average day you get 300 to 500 trips per day because I've sat there and counted how many are going into mauro for practice. During the weekends when they have tournaments, it's ongoing. The trips is over 1,000. It's hundreds and hundreds of trips going for games that are being run all weekend all day long. And so you know, it's easy to talk about theoretical and hypothetical, but the practical reality is of living on mauro and seeing and let's keep in mind mauro is a 30-foot residential street. It was never designed to be a collector or major arterial. harris pointed out it was carrying at one point before we did very important mediation it was carrying almost as many trips as anderson lane. That's what we're trying to prevent. harris pointed out again with putting the pork chop in, doing the modifications at lamar and 183 and other factors we have reduced the trip to double what it should be. That's tolerable because that's reality living in central texas and central austin in this day and time. I want to address a little bit more of the history. In 2004 all the stakeholders got together and agreed on this thousand trip from huntsman to stratous the neighborhood association to city council to city staff to the neighborhood residents. Everybody got together and said this is a fair and reasonable compromise. And again, we have been fighting this issue about traffic on mauro for the last 20 years. Every few years somebody else wants to come along and access. We understand, you know, the marketability aspect and the business aspect of what the horton group is trying to do, but that should not take precedent over the safety and quality of life of the residents on mauro and the residents of crestview neighborhood. We understand that we all are going to have to do our part as far as with the density and the traffic volume that's going to be increases. One of the things we have done, we passed a couple years ago a traffic calming plan. We're still waiting for that to be fully implemented. That has not reduced the volume of traffic, it has only increased the speed because people figured out quickly that it's much easier to go over speed humps at who miles an hour than at 15 miles an hour. So we are waiting very anxiously to get remainder of that traffic calming implemented and seeing if these psychological and islands will have a more positive effect at slowing traffic down and making people realize that they are in a residential area. We have had children killed on mauro as a result of the volume and speed of traffic. We have a transition going on in mauro. [Buzzer sounding] it is a neighborhood that's BEEN AROUND SINCE THE 50s And so again I'll wrap up

quickly, I just want to say this is a safety issue first and foremost and quality of life has to be sustained over marketability.

Mayor Leffingwell: Thank you.

Thank you.

Mayor Leffingwell: Councilmember Spelman special Springfield, Missouri I feel your pain, I live one house off 38th street which another 30-foot neighborhood street turned into a major arterial. I don't know how many cars we have on 38th street, but I know how long it takes me to make a left turn off Avenue F in the morning.

Sure.

Spelman: What would be wrong with the idea of opening it up just on a trial basis to see whether it works. Does it add up to 1,000, 742, add up to 1500 and therefore they are approaching.

It's like anything else trying to do it once it's done is almost I believe possible. Harris said, we would love to have a 20-foot -- if you did a snapshot that's one thing. Harris pointed out, the pork chop at some point could come out. That's going to increase the amount of traffic. We know with Vmua Burnet, Anderson and Lamar, all the development that's going to be going on in the future is going to be adding traffic to the neighborhood and to Mauro specifically because it is one of the few because of the railroad tracks, it's one of the few east-west roads in that area of town. So our concern is that we've been there and we've done this. We know what the effects are going to be. It's not a hypothetical. It's not a theoretical. We know the practical effects of trying to get out of our driveways even today at 2500 or 2,000 whatever, 1600, whatever number you want to grab out of the air, we now how difficult and dangerous it could be at certain times of the day just to back out of your neighborhood.

Spelman: The 1600 probably wasn't grabbed out of the air. Sound like they actually measured it.

And you will get different numbers than numbers have been 2800, 400, when I say grab it out of the air, it depends what day you take it and you can control those factors. I believe the gentleman said that was a very conservative estimate and I agree about the trips per day on Mauro.

Spelman: [Inaudible] Anderson for a lot of folks.

That's right.

Spelman: Let me give you the other hand. If you've got a deal as on and off mentioned or chip mentioned which was obtained with Huntsman and Stratus and the city, the neighborhood, all together saying 1,000 trips per day maximum, we can all live with that.

Sure.

Spelman: These guys don't have direct access to Mauro although the ballfields are generating a lot of trips, 300, 500, whatever. If they could not unreasonably get to a thousand and that was a number you agreed to, closing Mauro would reduce the number of trips below the thousand limit that you had agreed to, would it not make sense from an equity point view to let them have more so long as they didn't get over a thousand? If we could enforce this to make sure it was less than thousand, come up with an instrument that if it got over a thousand, it would be closed and limited to emergency. Could you consider living with that?

I could consider living with that because that's what the law says and the agreement was in 2004. My concern is is that, you know, everything would be captured, all of the traffic would be captured. It's not just the traffic coming out of the development on to mauro, it's the people coming down mauro in order to get into the development. All points west and north are going to be using mauro as access point versus coming down anderson, turning on lamar because traffic is like water. It's going to take the path of least resistance. It's an experiment we can run and I would have a hard time challenging that, but my harris, our concern is any access at all. We understand emergency services need and desire in case of worst case scenario where lamar is shut down and you cannot access development. We understand safety. That is our primary concern also. We want to keep that access for emergency service vehicles only and we want to keep that narrow so we won't be here in three or four years having the same battle about opening up to the general public and saying, well, you know, it's 900, it's not really 1,000. Phase 1, the traffic count was 972. Now then it's dropped down to 742. Again, you know, it's easy to pull numbers and kind of do these formulas, but we know practically what the effects are of opening up mauro -- and we know the pressures on mauro are going to be even more excessive in years to come with the development of central austin.

Spelman: What I'm getting at, we might be able to eliminate all the abstractions if we put down a tube and figure how many cars are coming and going.

But at that point and my fear is that it will be a point of no return. Once it's there and open there's always going to be that inclination to open it up and sacrifice. Again, we had an agreement in 2004 there would be no access. The reason we put the thousand trip cap access is we understood there's no way that that development can have access on to mauro being limited to a thousand trips. The ballfields 400 or 500 and the indirect traffic more. That was obviously in retrospect not a very good wave doing it. We should have written because alice said show me in writing where it says specifically no access. We understood the ballfields were always going to have access to mauro. That's the reason that particular language is not in there. It's an end around that is always be played in order to accommodate whatever the interest is at the time.

Spelman: I understand. Thank you, sir.

Any other questions? Thank you all very much for your time.

Mayor Leffingwell: Deanna mcmillan. Welcome, you have three minutes.

Good evening, mayor, mayor pro tem, council. My name is deanna mack million man, I'm president of the crestview neighborhood association and this development is within the bounds of the crestview neighborhood. I want to state that I support staff recommendation for this except I would like one additional restriction. And that is that the emergency access be restricted to no more than 20 feet wide and the purpose of this is so that it later date be opened up as a street but will provide the safety our new neighbors will need. As president of the neighborhood association, i have received several dozen emails and calls from the neighborhood since this hearing was announced. All except one have expressed that they do not want any access from the development to mauro and one was like I'm not sure. And that is the only support or the strongest support i heard. While I understand, I am a scientist and I understand analysis and you use standard models that the traffic analysis is I'm sure done by all the proper and standard means, but there are two factors that are not going to be in a standard model. And that is the other end of mauro is a new wal-mart. The neighborhood, the new development, you will be able to turn into it from lamar, go through it, get access to mauro so avoid the no left turn from lamar on to mauro and go straight down to wal-mart. The other factor is the dysfunctional intersection at lamar and anderson. If that intersection functions properly, a normal intersection with a light, then traffic would tend to flow on to anderson as it should. But because that is not a functional intersection, people keep trying to find an easier way and that would be from lamar through the new development and on to mauro. I have -- there was mention of putting a median on mauro so that you could only do right in and right out. Down mauro, changes names and becomes northcross, there's a post office there. There is a

median in the street there so that you can only go right out and also at the end of that median there is a no u-turn sign. I have a post office box at that post office and every time I go there, probably 30% of the people coming out of the post office make an illegal u-turn at the end of that median. Thank you.

Mayor Leffingwell: Thank you. Damon housey is signed up neutral. Welcome, you have three minutes.

Mayor, mayor pro tem, city councilmembers, damon house, president of the high land neighborhood association. We currently are the only neighborhood that has any vehicular connectivity to this 73 pocket neighborhood development. And the only life coming out of that development is at the john's and lamar. Light. john's and lamar is tied at the second most dangerous intersection from the city for pedestrians and bicycles with nine accidents there already this year. So we look at this as a safety concern because we know that intersection is going to start to get a lot more traffic. And we also know that the street in question is too close to mauro to have a traffic light of its own. What I would propose to you and the reason that I signed up as neutral is this is that there is a need for an out on to mauro street to access the light and the intersection at mauro and lamar. I would propose that be put as close to the already master plan intersection as poll and traffic calming is scheduled to put an island at that end of mauro street and if they could place that island close to that out intersection it could stop traffic from making a u-turn or going left down mauro. I don't understand why there really is a need for a right in off of mauro street. It would be just as easy for the neighbors that are going to live at midtown commons to come down anderson lane, turn right on lamar and go right off la more into the development. If there's an end off mauro street they are right it's going to encourage neighbors to cut through the crestview neighborhood just to get to that in. I don't think there's a need for that in. I think there's a need for the out to take pressure off the john's intersection, but there's really not a need to do an in. The traffic totals that they talk about in the past were actually before there was the bridge that connected anderson lane to the east side of lamar and before the 183 fly over. All of those numbers have changed greatly and that past is not going to repeat itself because they have those two connections now. So what I would ask you to consider is to allowing the out only, right out only with the traffic calming people placing their island so that traffic physically cannot go left and do away with the right in. I don't think they need the right in. It's not going to be a problem getting into the development. The problem is going to be getting out of the development. And we're concerned with the safety of st. john's. Thank you for your time.

Mayor Leffingwell: So those are all the speakers that we have against or neutral. And the applicant is entitled to three minutes rebuttal if you want it.

First I'd like to really thank the neighborhood association because I know that we did meet with them and in a large group and then at . I don't think somebody is going to drive through our development of narrow streets and come out on to mauro and make a right hand turning in a 28-foot paving section. Mauro already has speed bumps that I think will cut down on the speed. Our traffic engineers say the average speed on mauro street currently is 27 miles an hour. So I think that's probably about what you find on a normal narrow street. The -- you know, we really want this integrated with the neighborhood and we have when we met with the neighborhood, we did discuss with them this idea that they had of having our houses face mauro street, the ones that are on that side. And we don't really have a design for that at the moment, but we could probably do that and if it is the council's requirement that we do that or wish that we do that, I think we can probably accommodate the neighborhood in that regard. However, we would rather not put -- and this has to do with the traffic, we would rather not put the driveways and the garages facing mauro because we would rather have the garages in the back within the development. So -- but the front doors could be so that you would -- so mauro would become more of a residential feel to the street. But we still feel from a marketing standpoint we would like to have at least a right in, right out and the question is last gentleman said about the right in, we're hoping that people will, you know, that live within crestview and what is to the west will come visit people in our development. And if they can come in and turn right and visit them that way instead of going out into a dangerous lamar street situation, that that will really help integrate us with the neighborhood more. I believe very strongly in connectivity and I hope you will consider [inaudible].

Mayor Leffingwell: Councilmember Spelman.

Spelman: I want to make sure I understood what you use proposed. Harris suggested you have the front doors and the garages and the drive ways on Mauro for that strip along your -- well, the northern edge. You are proposing front doors but no driveway access?

Yeah, if we could get the board up and I'll show you.

Spelman: There we go.

[No m on].

All of those units shown in brown here, that's the side of the unit so those folks really won't be looking at somebody's garage out their front window.

Spelman: Right. So how would I describe that? If I wanted to codify that, what would be the proper language? With.

Just saying something to the effect they have to be addressed on Mauro and the front doors have to be on Mauro residents but the auto access should be from the rear. That I might add is another reason to have a right in and right out there because if I'm living there, I would like to be able to come out of my garage and come out there and then get on to Mauro instead of driving down this way as you reach the light at St. John's.

Spelman: While I have you here, could you suggest a means as bomb proof as possible for the neighborhood to enforce that thousand vehicle trips per day that y'all are -- the previous owners of this lot negotiated seven years ago?

I think your idea was excellent and we would be agreeable to -- as long as I could make sure I made all my home buyers that could go away some day, that when the project is fully built out and we have that phase done that we would be happy to put a counter at that entrance there so you could measure how many cars are going in and out.

Spelman: Obviously you wouldn't put a counter there on a permanent basis. It goes down and comes back up.

Probably a 15-day period or whatever the traffic engineers would suggest.

Spelman: Would you be willing to put a private restrictive covenant with the neighborhood, say periodically you could lay down the traffic tubes and if they were over 1,000 over a burn of them bunch of them over a thousand you could restrict access to emergency vehicles.

For example, if we leave it open fully without, you know, fully left in, right in, all that sort of thing, because then we can -- at that time say, okay, what happens if we just do right out. Maybe that would knock it down 100% or 80%. I'd like to have the ability to explore possibilities that can get within the thousand trips.

Seems to me the best way to do that would be have you and the neighborhood work directly rather than going go through the city. Are you okay with that is this.

I'm fine with that. What we're really talking about are the number of vehicles entering and exiting our project. Whereas the current limitation is a thousand trips pieridae Mauro. So, you know, there has to be

some connection between the two because if we only have one cargo out there, you know, a day, and the -- and the mauro street is a thousand trips, then is that one car the one that made it a thousand trips? I don't know. We have to think about how we're going to do that.

Spelman: Sound like this may take an extra iteration but we ought to go back to the and verify the language and make sure it's properly stated.

Cole: I would like to hear, it deanne from the neighborhood association. I wanted to hear who o. Changing how the houses face. Did that satisfy you?

Yes, it's generally favorable.

Cole: And you discussed that with your members and mr. richard meyer, right?

Yes.

Cole: You talked about having one major restriction which was having to do with emergency access no wider than 20 feet.

Yes, ma'am.

Cole: And was that a part of the staff recommendation or not?

No, ma'am that is correct is the only change that i would ask from the staff recommendation.

Cole: meyer, did you have any concern about that 20 feet emergency access restriction? 20 Feet wide?

I think that would have to be up to fire and e.m.s. I don't know, I think it would be very tough for a fire truck to turn in 20 feet. Especially if there's only 28 --

Cole: Let me ask that. Maybe that's not a part of what we have heard.

We would need at least 25 feet to get our vehicles through the driveway and that's a standard that the fire department has. With larger radiuss to get in and out as well, but we can't get a fire truck through 20 feet.

Cole: So you weren't trying to get the technical number. 25 Feet is fine, you just want emergency access.

We had members contact the fire department and they told us that the 20-foot was okay so that's what we were going for.

This is only first reading. We can confirm depending on your action it's my understanding 25 feet is their minimum for truck access.

We don't want to go below the minimum. We thought 20 was the minimum.

Cole: Okay. Well, it sounds like you guys have been having a lot of discussions, but there's still a few things that can be worked out on the traffic calming efforts. But I'll go ahead and make a motion that we adopt the staff recommendation on first reading.

Mayor Leffingwell: Mayor pro tem makes a motion to adopt the -- close the public hearing and adopt the staff recommendation on first reading. Seconded by councilmember morrison. Staff recommendation was for the eight foot fence and we want to get ten foot. [One moment, please, for change in captioners] let me ask a question of you and mr. guernsey of 25 feet. Does that in effect make a one-way street? Couldn't you have a two-lane street with 20 feet wide?

No, I don't believe you could have a two-lane street on 20 feet wide. So if you're talking about right in, right out, or left in or left out, or whatever, that really wouldn't work if only one car was in the process of getting ready to exit, the other one couldn't turn in, right?

Maybe two very small cars. It would be difficult. A standard driveway may be 30 feet wide, a fire lane is 20 feet wide, 20 feet -- yeah, I think that would -- regardless of what the results of the study were, you wouldn't be able to convert it back to a two-way street. That doesn't sound like a good plan to me. I'll just say that. Council member morrison? I want to be clear. I'm a little confused by this conversation because our motion is the planning commission recommendation, correct me if I'm wrong, greg, but that includes emergency access only and includes a 10-foot fence. It is the other things that have been requested, the duplex -- duplexes, a 10-foot height compatibility is waived for property, and it adds bike and ped schedule. So it's emergency bike and ped access only.

That's right. It's a 10-foot fence and the bike/ped access. It doesn't get to the morrow accesses free flow.

Morrison: right. So I want to make a proposal for two amendments to that and one is that we add a stipulation that the front -- the front of the of the properties on morrow be front doors and no -- no auto access, what we were talking about, that they actually face morrow. So they become part of the neighborhood, and I thought I had another one that was still missing. Oh, and that we also limit that driveway with emergency access to either 20 or 25 feet, whatever is required, as small as possible as is required for emergency access. I definitely agree with the second one and greg will check into what's possible for that. I want to make sure we hear from the neighborhood association and the applicants about the limited auto because I'm just not -- yeah, it's just the orientation of the houses that will be built adjacent to morrow street, that they be oriented to auto access to mauro.

I am concerned about the 25 feet. We're very concerned about the safety of our people and if a ladder truck can't make that turn --

morrison: absolutely.

I don't want to risk that. So we need to be very sure of that. I don't want to risk -- I'm comfortable -- I totally agree with you, and I think our staff can work with you on that. so there are two friendly amendments proposed by council member --

I accept them both.

Mayor? council member martinez. I want to keep in mind with this emergency access, literally, it's probably rarely if ever going to be used. The access points are on lamar and if you look at where the fire stations are located in proximity to this tract very rarely if ever will you see a ladder truck or fire engine coming down mauro to make entrance. Only in the case if lamar boulevard goes away. It's really the only scenario we're talking about. You'd have to close off a huge section of lamar boulevard to not have access to the site. Keep that in mind. I think 25 feet, in my experience, is more than wide enough to get access, but it's going to rarely be used, if ever. council member spelman? it's evident this won't be a friendly amendment so let me offer it as formal which we can vote from separate from the main motion. And that would be to -- [inaudible] [inaudible] do you want to donate a tract? no, I don't, actually. [Laughter] this would be -- I know the second is not going to accept this. I can tell from the way she's smiling at me. So let me offer it as a formal amendment and that is that the access on mauro be offered on a right in, right out basis in the beginning, that it be offered to all vehicular traffic, not only to emergency traffic but that it

be restricted to emergency traffic if a traffic assessment of the amount of actual traffic coming in, going out of the entire development exceeds a thousand trips per day. That's too [inaudible] to be ordinance. Does it have to be -- are you talking about first or all three readings?

First.

First reading, it's perfectly appropriate. Somebody can clean up the language and help me figure out how to do that, and there would be additional direction to the developer to offer a private restrictive covenant to the neighborhood as an enforcement mechanism. so amendment proposed by council member spelman to have the entrance to mauro street, right in, right out open, otherwise unlimited with the additional condition about checking the trips in the future.

Spelman: right. and i will second that motion. Motion.

Riley: mayor? council member riley. question about that. How would you propose that we enforce the right in, right out restrict?

Wi willing this thing -- by willing this thing they call pork chop like on airport boulevard. if you went to the expense to do that would you be prepared to take it out if the trips were actually over a thousand?

Yes.

Riley: okay. mayor, I have a -- mayor, I have a couple questions. council member tovo. -- Mayor pro tem. can I ask you a question and then I'll ask -- the pork chop that council member spelman is proposing that you work on horton, what kind of impact do you anticipate that will have on the traffic? well, I think the intention is to limit so when you pull out you couldn't make a left, you could only make a right. And when you come into the property you couldn't make a left turn, you could only make a right turn off mauro into the property. That's the intention of that. How they function, actually I think I have -- I guess I'm looking at the planning commission, the thousand tia, and wondering how much -- do you have any idea how much that would cut that down or would it make an impact? I think I might actually -- we have a representative here from public works that can probably speak to -- better how they function as they exist already in the city of austin.

I'm [inaudible] with the transportation department. Excuse me. Right in, right out is a fairly common, lots of [inaudible] driveways. As greg described, what you have is you're going eastbound on mauro, you can only take a right in, and as you leave you can only take a right out to continue [inaudible]. So you just restrict movements. You could make a left to go westbound into the neighborhoods or coming from -- from lamar, you can't make a left turn into the neighborhood. there could be a significant impact.

On the access, yes.

Cole: coming out -- okay. council member tovo. I have two quick questions and then a comment. We received one email about the bike route. Are you familiar with some of the comments about the bike route in regard to that classification --

yeah, and we did indicate to the city -- I'll go over here dwen to show you. -- again to show you. sure, and while you're getting there I'll tell you that the comment was that the changed route is not as safe, doesn't after to be as safe and as welcoming to families with children who are using that.

Well, actually I think i would probably disagree with that because if I had children, I think I'd feel safer going through a tree-lined, narrow street on my bicycle than along railroad tracks with freight trains going by. So what we had indicated to the city was at this point right here we would provide a 10- pedestrian easement, so if the trail really was coming down the railroad tracks, that they could come

through here, come down the street and then back out here. The only thing is that we don't own the detention pond. They would have to build a bridge over the detention pond to get back on to the trail, and that was over here. So our offer was to allow pedestrian access here and here and then use that street and then we also offered to make this back-in parking instead of head-in. thanks for that additional information. Maybe in the time after day we can talk more about that and you can show me what --

full-time fine with that. I haven't yesterday yet heard and i think this was discussed, but can you explain -- maybe guernsey, can you explain what the rationale -- actually, meyer, I think you're the right person. Can you explain what the rationale is for a 10-foot fence versus 8. My understanding is the properties nearby have much lower fences, in the 3 to 6-foot ranch, so to grant a variance to allow you to go up to 10 would be a variance.

We have a project called safe meadow in south austin as brodie and manchaca right on the railroad tracks. And when we first developed that project and started selling houses out there, there was a huge backlash from the potential purchasers about how close they were to the railroad tracks, and we actually did get a variance on that one, and there is a 10-foot fence there, and it helped everybody -- okay. And it seemed to help the sales quite a bit.

So this is about sort of improving your ability to sell the units but not necessarily a situation that's going to make for something that works better for everyone involved? I mean, it -- is it a sound issue for your residents?

It's sound and it's offering, because you don't have to look at the freight train going by, and it did have effect on sales, but people just said, I don't want to live there unless there's a barrier between me and the freight train.

Tovo: okay. And I think we've got a motion on the table, and i want -- we have an amendment on the table. right, amendment on the table. hasn't been voted on yet. and I wanted to say I'm not going to be supporting it. I think we've gotten, you know, a lot of good -- we've gotten quite a bit of feedback from the neighbors in this area about why they feel it's important to limit access on to mauro and i haven't verified it by heard from several neighbors there were deaths of two children before they made changes to the access, so I do think the original motion strikes a good compromise between all of the feedback and allows for some kind of access, pedestrian and bike access and emergency access in the very rare cases where it's necessary. So I will not be supporting the amendment but will be supporting the original motion. further comments on the amendment? The amendment -- council member martinez?

Martinez: I'll be quick. I won't be supporting the amendment, one, because it's -- it's four years down the road before you're even going to build this road, and so traffic is going to continue to change in he terms of trip counts and patterns. So it doesn't preclude you from coming back in four years, demonstrating what -- what the trip counts are at that time and then making an amendment request again. So I'll support the original motion but not [inaudible]. all in favor of the amendment say aye. Aye. Opposed say no.

No. Amendm amendm ent fails on a vote of 4-3 with council member cole -- mayor pro tem cole, morrison, tovo, council member martinez voting no. So that brings us back to the main motion. Council member riley? richard, currently you mentioned the suggested bike route that would go along the rail line. Is there -- is there currently anything in the -- in the restrictions applicable to -- under tod that would require that access or should we make that an ad condition?

I don't believe there is.

Riley: okay. Then I'd like to offer what I hope would be a friendly amendment that bicycle/pedestrian access be allowed roughly parallel to the train tracks, and we can come up with some wording before

second reading, but we can -- for now we can live with the proposed route that's been worked out by staff and [inaudible] comes out on to the street. The important thing would be to allow that access on the north and south ends to make sure that people using that trail will be able to get from the -- from the trail along the tracks and then up -- up on to the street and then back over to the trail, so that we'll just have to come up with appropriate wording for that to make sure that we have easements to allow that access for that trail.

We did indicate to staff that that would be okay. and i think we understand the intent. Mayor pro tem, do you accept that as a friendly amendment? yes, with the connectivity --

that's right. and council member morrison? That one is accepted. Anything further? Council member morrison. I just want to say that I think that the folks in crestview are -- i mean, it's a relatively fragile situation that we have here. The reason that I'm supporting this motion, we spent a lot of time over the past year and a half, i think, talking about mauro street and the pork chop and trying to find that balance and the balance that we found there was challenging for the crestview folks, and the mauro folks to accept. And so I think that it's really important that we, you know, try to be conservative here and understand that it's only going to be getting more challenging. council member riley? this is a very significant case. I agree with council member morrison that there is a lot to it. I do think it warrants some additional attention. This is a very significant tod in the middle of the central city that has important, vibrant neighborhood, and there are fairly complicated issues, including the issue I just referred to relating to the trail. We still have some considerations to work through with respect to that trail and where is the optical location would be, whether the optical location would be right by the tracks or on the street. I've visited with our public works staff about that and i think some additional conversations are warranted both with city staff and with [inaudible] staff to figure out exactly what the -- what the best place for that would be, and so i think -- I think it's worth having some further consideration of this, but I'm willing to go for this on first reading with the understanding that it will get some more attention before second reading. all in favor of the motion to close the public hearing and approve on first reading say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. That finance our zoning -- finishes our zoning case.

That's correct, mayor. so we're going to go back to this morning's agenda. And we'll begin with items 11, 12, 74 grouped together, considered at one time. We do have one speaker, but I understand that council member martinez -- do you want to be recognized on this item? actually, no, mayor, I pulled 13, 14 ran 73. This is 11, 12 than 74. oh, somebody pulled 11, 12 and 74. That's what we're considering right now. I think it was pulled because of speakers. clay did he fo.

I know it's late, been here 12 hours. The rowing crew has been here just as long so I'll keep my comments short on this one. 11, coupled with these other ones. Approve an ordinance setting the assessment rate and approving a proposed 2012 assessment roll for the austin downtown public improvement district. Now, I know this is about the rates, and I just want to take a second to say that the pid, the public improvement district, was created by city council in 199 #. It was to provide -- 1993. It was to provide constant and improved funding to implement initiatives, and the assessment rate for 2012, the proposal is for 10 cents per \$100 valuation. It's supposed to provide about \$7 million. Now, what my concerns are is that this pid, this money from the pid, is being controlled by the downtown austin alliance, and I've come here with concerns about that group before, and basically I do not think that they should be controlling these funds. The fact that there's \$150,000 annual contribution from the city of austin that they don't need doesn't make much sense. I don't think we need to empty our coffers when downtown austin alliance, which is a fine group, can fund it itself. So I just wanted to inform the citizens of that and i instruct you to vote no. Thanks. council member martinez moves approval, council

member riley seconds. Any discussion in all in favor say aye.

Aye. opposed say no. Passes on a vote of 7-0. Now we're considering items 17 -- excuse me, 13, 14 and 73. mayor, I'll keep this short. I move we postpone these to our december 8 meeting in light of some new information this morning and a request by some of the property owners on east sixth street, so I'll just move that we postpone to -- council member martinez moves to postpone these items until december 8.

I second. second by council member spelman. Any discussions? All in favor say aye.

Aye. opposed say no. Passes on a vote of 7-0. Item 15, pulled for one speaker. Gus pena. He's not in the chamber. Enter motion a item 15. Council member martinez moves to approve, morrison second. Opposed say no?

Passes on a vote of 7-0. item 17, one speaker. Gus pena. Gus pena is not in the chamber. Council member martinez moves to approve item 17, seconded by council member morrison. Discussion? Pro se aye.

Aye. opposed say no, passes on a vote of 7-0. Item 22, one citizen signed up to speak, ellen screfer son. Ellen jefferson in favor of the item. Go ahead. 22 is related to your public hearing posted as 106. They're two related items.

Mayor leffingwell: gotcha. Okay. Item 106 is grouped with item 102, and we need to conduct a public hearing before we consider item 22. So we'll bypass item 22 and consider it when we get to item 106.

Item 106 is -- we're not considering it right now.

Pardon? we're not considering it right now.

Oh, excuse me. we're going to item 40.

Mayor? Mayor? council member morrison. could I ask that we consider considering 106 and 22 right now since there's one speaker signed up for each one of those? Same speaker, and otherwise that one person is going to be behind every single other item, so I'd suggest that we take 106 with 22 instead of 22 with 106. we'll go to it after we consider item 40, which I've already called up. First speaker is clay defoe.

Good evening, ladies and gentlemen. Thank you. 40 is an item to authorize, award and execute a contract through the cooperative purchasing network with kellogg, brown , actually now , formerly known as kellogg brown & root, for installation of the solar volume take at george washington carver, in an estimated amount not to exceed \$346,000. mayor, now, I'm a supporter of solar energy. I think we need to promote it, but I do not believe this project is a comprehensive plan to boost our solar energy capacity here in austin. As your own item description backup says, the carver museum and library serves as an excellent site for this project and provides high visibility to those visiting the museum or library. What I read out of this high visibility is that this is a token solar power project. It's, you know, a good goal to have renewable energy, but I think this is an underhanded way of saying that austin is green when we're really not. I want to talk a little bit , rememberrarily known as -- formerly known as brown & root. They' subsidy of hal burt en. Brown & root, one of its forefunders was founded in 1919. It created public roads here in the state of texas. Brown & root helped to construct tom miller dam, which we see not far from here. In 1940 brown & root started to be investigated by the irs for breaking rules on campaign contributions. There's a book about it called the path to power. I encourage you all to check it out. It's about campaign funds that brown & root used for j's 1941 senate rate. from atrocity committed in afghanistan and iraq, as well as its support in funding of building camps at Guantanamo bay. And I'm

offended. I am literally offended that you want to give \$300,000 of our money to them, like we don't know who they are and what they do. This is a company that Dick Cheney used to be involved in. We know where that leads. It's not happy stuff. There's better solar companies out there. I would rather support another company that would do this and I would gladly support it if it wasn't KBR, but there's all sorts of reports recently in 2009 of KBR bribing Nigerian officials for projects. I encourage you to look at the documentaries on-line about KBR and what they're doing for women, children and others in Iraq and Afghanistan. These are war profits here and I'm tired of it. George Mason, founding father and author of the Declaration of Independence says no free government are the blessings of liberty -- time expired.

But firm adherence [inaudible] frequent occurrence to fundamental principals. Ken Studabaker? Signed up against.

While this does look fantastic and, you know, we're adding just about 350 k for solar system and it's the first library in Austin, actually promotes African-American history and achievement. On the surface this agenda item appears to promote green energy, invest in minorities and not to mention it is a top-notch campaign -- election campaign item. Can you pass this up, right? I mean, obviously you can't, in your ideas, but honestly I don't blame you guys for jumping at passing this and for others who think this is a great idea. But let's dig deeper than the surface. This is a little crafty one here. First I'd like to bring up, this is a little hypocritical considering you guys reduced the [inaudible] central library hours four days a week for 208 hours for the year. We were told that it was a needed cut of \$100,000 for the budget. So reducing library hours actually negatively affects the minorities we're attempting to help here. On first look this seems to be pro minority yet this East Austin area has been [inaudible]. The city has allowed developers to push minorities further east and north from this area by using green tricks to obtain permits. Bowmaximum tax carver, questioned the ecological claims of some developers saying they may put a solar panel on it and claim it's a real ecological house. This is called green washing. These people are not evil but their houses upscale those around them. All the lots go up in appraised value and that's where your taxes go up. I'm curious why the city of Austin why they're green washing this with this. Solar panels will appeal to the uppy crowd. Austin energy changed solar incentivizing program to increase the amount of solar panels to be installed because solar panels were feared to impact the energy consumption of Austin energy. What the city did was invest \$20 million in the biomass plant but instead helped to manipulate the city's green portfolio numbers to higher amounts. But I doubt we will promote that by dumping scarce precious water on burning wood on tops of the library instead. My question is why is the city actually trying to do this? To look good? Promote more-uppy development in East Austin? A vote yes is to further gentrify East Austin. Thank you. Those are all the speakers we have signed up. We'll entertain a motion. Mayor, very, very fast question. Let me ask you the question. Why are we doing this, in 30 words or less?

Howard Johnson, first [inaudible] officer. This is funded through the state energy conservation office. The real key to this program is this will save approximately 136,500 kilowatts a year, which is an annual savings of about \$10,920. So we're going to save money by doing this and the state is paying for it?

That's correct. Move to [inaudible] council member Spelman moves approval. Council member Martinez? Council member Spelman? How is it that we have Brown & Root as the prime for this?

We looked at the cooperative contracts. Because the money came to us with a grant that was just from this summer, and we looked at how we could get it in and done. The real key to this is that it must be done by the end of the calendar year, and this company is on a cooperative agreement. We looked at all the cooperative agreements. There's about a 14% cheaper rate than any other company that was on the cooperative agreement. Additionally they have agreed to 7 #% of the work be -- 74% of the work to be done by a local subcontractor, which is about \$255,000 of the project. So if we want to accept the state grant we have to install this by the end of the year and the cheapest way is to hire Kellogg, Brown & Root to do it?

That's correct.

Spelman: thank you. council member martinez? I appreciate council member spelman's questions, because for me it's really important that we clear thup. And I asked questions earlier in the work session this week, specifically about how we got into this situation. And so for the most part it's \$250,000 going to a local company. Yes, kbr does get the \$95,000 remaining, but even more importantly what I got from austin energy moving forward is that we could create our own rotation list here for grant awards in the future so that all of it, 100% of it, stays here with a local firm on a rotation list that -- where opportunities arise and we have to go out and secure a contractor in a timely manner that doesn't allow us to go through a traditional rfp process, and they responded in the affirmative. So hopefully this will be one of the last times we see this. We're all going to need to work with austin energy to get that recurring rotation list of local vendors so that when these opportunities come up in the future we don't have to go through the cooperative purchasing process. all in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Go to item 106, which is to conduct a public hearing, chapter 26 public hearing. Welcome. Sorry for the confusion earlier.

That's all right. I jumped up there so quickly. Item 106 has a related item, 22, but on 106 that's a change in use on parkland for your butler beach at town lake park. The legal fact finding for item 106 is if there is no other feasible and prudent alternative to the taking of the dedicated parkland, which includes all planning to minimize harm to the park. This is a temporary license agreement to allow austin pets alive to continue to serve the city's animal shelter. any questions? We have one speaker signed up to speak in the public hearing. Ellen jefferson.

Hi, thank you so much. We came here with some concerns about the agreement, but we have actually worked with staff during the day and we appreciate you giving us the opportunity to work on this because we're really excited about partnering with the city, and we believe all of our complaints have been addressed. Thank you. thank you. Those are all the speakers that we have signed up. Entertain a motion to close the public hearing. Council member morrison moves to close the public hearing, seconded by council member martinez. All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. Item 22 related. Have one speaker signed up. jefferson, do you want to speak again? Okay. All right. screfer son does not jefferson does not want to speak, so council member martinez, did you move approval? I didn't hear you. When you don't use your mic it's hard to hear you sometimes. Seconded by council member spelman.

Martinez: mayor? council member martinez? I think we have one brief update from staff that [inaudible] has been working on today with ms. smith.

Yeah, there it is. Abigail smith, our chief animal services officer to come up. We made slight changes to the agreement. I want to make sure we cover those with you. jefferson and some of her board members and they're in full agreement with it, and so we want to make sure that council is aware of some of those changes. We do have a law that's running over here pretty quickly and getting you copies of that, but I think abigail can provide a summary of the changes we made.

Thank you. Good evening, mayor and council. Yeah, there are only just a couple changes from the agreement that you have in front of you. The first is on page 1, section 2, near the end there it makes the opt-out clause reciprocal so it goes both ways, with a 90-day time period on that. The other section that we edited was section 7, the substantive change there is 2 where it now reads that basically in

concept -- I won't read it to you. You'll have it in a moment. In concept what it says is that austin pets alive will choose the animals for the town lake adoption program from the specific risk of -- at risk animals that the austin animal services office provides to them on a daily basis. And it also provides for a minimum daily average capacity so that we can -- we can be sure that we have an average regular number of animals, and you're going to see that number be 30. So we're going to have a minimum capacity of average 30 dogs and maximum 60. Puts us in the right price range for the amount of dollar that are exchanging hands here. 3 just further clarifies that minimum inventory of dogs. And I believe that's the extent of the changes.

Mayor? council member martinez asks you to accept a friendly amendment to include the resolution approving the use or authorizing the use of the town lake animal center site along with the motion to approve on all three readings the ordinance.

Martinez: sure. council member spelman. Okay. Council member martinez. I want to thank a couple words and thank everybody that's been working on this. Abigail, I thank you. Austin pets alive, our animal advisory commission. This is one more step in the continuing effort to be one of the premiere cities in the entire country, if not the world, on how we treat our four-legged citizens here in austin. So I can't thank you all enough for all of your efforts. It couldn't happen at a better time. Saturday is the opening of the new animal shelter. It will be a big day for all of us. So thank you so much for all of this. Thank you. council member morrison? I want to briefly echo those and just say, this is a huge step, moving to the new animal shelter and this is a critical piece of being able to maintain our no-kill success, and it was part of the plan that the animal advisory committee recommended to us, so it's just a real exciting time for the city of austin and the animals. And he made the amendment. There you go. what did you say, council member martinez? I was actually trying to indicate to her to give you credit that the actual region we're here and tlac will be an adoption shelter is because of the amendment you made on the original motion several years ago. thank you, council member. and if I could just add to that, I'm sorry I didn't remember that, but I was sitting in the audience that night and it was a really important piece of the whole -- the whole agreement that was going on. So thank you. any more discussion? All in favor say aye. Aye. Opposed say no. Passes on a vote of 7-0. Item 52. Did you pull item 52?

Morrison: I did. we do have two speakers -- one speaker actually. I'd love to hear -- you can say something first if you'd like. First speaker is clay defoe.

Thank you, presiding officer, for granting me permission to speak on this one. I won't take up too much time. You all have heard from me enough today but this deals with the anti-lobbying mesh measure, and yeah, we should be against lobbyists, and I'm neutral because I don't think it will make a great deal of difference. There's a lot of underhanded stuff going on. There's meetings with the mayor, corporate attorney richard suttler in the council chambers and it's an attitude thing. It's the mores, not the laws, that need to be discussed. We need to -- look at how the mores can change the scene at city hall. Good luck on the resolution either way and thanks. john derek is signed up against not wishing to speak. Those are all the speakers. Council member morrison? this is a revision to our anti-lobbying ordinance that came about from recommendations from staff and from some other experiences that we had in the recent past, and so we had -- we did consider one version of it, and adopted it on first reading. It went to the ethics commission and they have made some recommendations. Annual these -- our staff have prepared amendments to the first reading version to incorporate those -- to incorporate those ethics review commission recommendations. And so I wanted to have those read into the record and my motion is going to be to approve on second and third reading the amended version of it. johnson has offered to stay here all day to read those into the record for us, and it is a page long, so settle back.

Good evening, mayor and council. [Inaudible] purchasing officer. As directed by city council on october 20 we went to the ethics review commission. They were happy to look at the ordinance. We had a very good discussion on it. They came back with a few recommendations for changes, as we discussed at work session. We have come back with the staff language to change for the ordinance, and so to read in the record, nod to put the recommendations from the ethics review commission, we would change

27103 -- we would add a new section, I and j, and the city clerk also has a copy of these for the record, so she has them. It will read, i, a current employee, director, officer or member of a respondent or a person related within the first degree of [inaudible] affinity to a current employee, defendant, officer or member of a respondent, is presumed to be an agent of the respondent for purposes of making a representation. This presumption is rebuttable by a preponderance of the evidence as determined by the purchasing officer or director. We would also add a j, a respondent's representative, that person or entity acting on a respondent's behalf with the respondent's request or request. For example, a respondent may email their membership list and ask members to contact council members on the respondent's behalf. The members are acting per respondent's request and with their request and the members have become respondent's representatives. To implement the other recommendation at 27104 e, we would be -- make the change to read, we would add Iaj that would say that the -- that -- about the contract process would constitute a representation. The other language again is on file. We have a fourth change that would be at 27102 e. We would rephrase this to take care of the question that came up in regards to whether or not it was exempt from very specific items. We would add the words "federal and state end" before the wording "city " so that clarifies those particular funding options would be exempt from contracts. That would implement the recommendations from the ethics review commission and the comments that we've had on-line.

Morrison: okay. Thank you, and just for clarification. There was a recommendation from the ethics review commission about clarifying who has the power to void a contract. Will that be done in the rules?

Yes, council member, that would be done. That's already been changed in our proposed rules. The rules, again, are under the review process. We'll see if there's any other input and if there are we'll come back and report them to council. one other item about the rules. There was a legal memo that we got during the social service contract that explained explicitly when a citizen advocate was a case where they were not a representative. Has that also been transferred into the rules?

Yes, council member, it has.

Morrison: okay. Thank you, so my motion is to approve this amended version on second and third reading. motion to approve the ordinance on second and third -- seconded by council member spelman. Any further discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. So now we have one item with 57 folks signed up to speak and we have several items that have either zero or one citizen. Without objection, council, we can go ahead and get those out of the way. And then turn lastly to item 53. 69, we have one speaker signed up. Gus pena. Gus pena is not in the chamber. So I'll entertain a motion on item 69. Council member morrison moves approval, council member spelman seconds. Discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. 103, which is to conduct a public hearing for the actual-purpose annexation of -- full-purpose annexation of northridge park section 2.

I'm virginia collier from the planning and development review department. This is the second of two public hearings for the following three full-purpose annexation areas, items 103, 104 and 105. Council will be taking actions. Dornd. They'll provide full municipal services for each of these areas. Copies of the service plans for each of the following annexation areas are available this evening and available on the city web page. Item 103 is the north wij park section 2 areas which includes approximately 97 eangs, located in travis county at the northeast corner of the intersection of manor road and old manor road. This is currently in the and surrounded by full purpose jurisdiction. Includes developed single-

family lots and austin i.s.d. spts complex. The city will provide municipal services and this includes the staff presentation for item 103. Questions of staff? We have no speakers signed up for this public hearing. Is there anyone that would like to speak on item 103? Hearing none I'll entertain a motion to close the public hearing. Council member spelman moves to close the public hearing, seconded by council member martinez. All in favor say aye.

Guernsey: aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. 104, the burleson-felter area includes approximately 97 acres located in travis county, south of burleson road approximately 1,000 feet west of the intersection of burleson ROAD and McKinney falls parkway. Includes two tracts of land and adjacent to the on the north side. Mixed commercial and industrial uses as well as vacant land. For the vacant tract of land, which is appraised for agriculture use for ad valorem tax uses, the city is entering into a development agreement with the property owner, which would ensure the property's status while it's using for ag purposes. Part of such an agreement to move forward with the development of the property, any restriction on city annexations becomes void and unenforceable. I'll bring this agreement forward for council approval at the same time you're scheduled to take action on the annexation. In response to questions there last week's meeting, burleson road is located adjacent to the annexed area and is in the school's jurisdiction and maintained by the city. Felter lane is not a public road, located on private property. Travis county is not currently maintaining felter lane because it's not subdivided and dedicated as public right-of-way and the city wouldn't maintain it after annexation. All the platted properties have utility services and upon annexation the city will provide full services to the area. I'll be happy to answer any questions you have on item 104. Questions? We have one speaker signed up, philip bond. Philip bond is neutral. You have three minutes.

Thanks, council, to hearing me. I'm philip bond and i operate a club on felter lane, hot bodies gentlemen's club. Most of you won't be going there. I work there anyway. Anyway, what we'd like to do since we are a byob establishment there, we'd like to have the council upon the annexation to grandfather us and allow us 00 in the morning. Also the smoking ordinance will be coming into effect on that. Our club is -- it is set up with proper ventilation and smoking equipment in there. Hopefully you'll allow us to be grandfathered in with all of that, will be allowed to smoke in that establishment. One other thing of major importance is amongst the annexation is the property taxes. Things are tough and -- things are tough economy-wise right now. What we're asking is for some leniency please, in the first couple of years for the property taxes. Hopefully you all understand. Thank you for hearing this. thank you. Those are all the speakers we have signed up. Is there anyone else that would like to speak on item 104? If not I'll entertain a motion to close the public hearing.

So moved. mayor pro tem moves to close the public hearing. Second by council member riley. Discussion? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0.

Brings up to 105 the ribelin ranch preserve area, 147 acres in travis county, north of fm 222, 900 feet north of the intersection of 22 and McNeil drive. This area is currently in the city's limited purpose jurisdiction and it's adjacent to the city's full purpose jurisdiction on the north and west side. This area includes the remaining portion of ribelin ranch issue and it's being annexed with the limited purpose regulatory plan. Rose spoke at the last meeting and I spoke with her further about the surrounding preserve land. The city and county as well as other privately owned preserve lands in the immediate vicinity are in the city's jurisdiction. Municipal services provided to the area described in the service plan, copies of which are available today and this completes my staff prep for item 10 presentation for item 105? we have no speakers signed up. Anyone wants to speak on item 105? If not, let's move to close the public hearing. Council member morrison moves to close it seconded by riley. Discussion all in favor

sigh aye.

Aye. Opposed say no. Passes on a vote of 7-0. Item 107.

Thank you, mayor and council, item 107 is conduct a public hearing and consider an ordinance amend be city code chapter 25-2 to amend the limited offer or lo, base zoning district to make personal services land use a conditional use in this district. You may recall that we had a small zoning case in judges hill where I think it was a two-chair salon that cam in. Judges hill was opposed to that. From the action at first reading council directed staff to come back and look at an amendment for small personal service uses to make them permitted in the lo, limited office zoning base district. This amendment is brought before you tonight, has the planning commission recommendation. There was a question that came up about the use and some staff would like to offer one amendment from the ordinance that you actually have in your backup. It makes certain uses a conditional use in the lo district, but the additional regulations, there was some issue about the land area associated with the personal use would be 2,000 square feet, and a concern that would include parking and the building. In order to alleviate those questions and to allow for administration of the ordinance to be simpler, staff would suggest that a thousand square feet of gross floor area for the structure. That way that if we have an lo site where there is a small salon that's located, it's much easier to regulate the size of the structure rather than to figure out which parking belongs to whom. So with that amendment, that would make that suggestion. We did go back and look at the actual case where the salon was. It's kind of the genesis for this menu. That salon is 961 square feet in size, so it would take care of the case that council had a concern about if this amendment would pass, that zoning case would be withdrawn and then the owner would file a conditional use permit. It would require a public hearing, go before the planning commission for their consideration. If you have any comments, i don't believe we have any speakers here. real easy, huh? Council member morrison. I just want to clarify a couple of things. I think that your suggestion to change it to a thousand and make it clear that it's [inaudible] use is a good one. With -- we had some concerns raised about, well, what about ours? And, you know, certain types of personal uses -- services are going to be inclined to have later hours, but under the conditional use process, are those the kinds of things that can be addressed? yes, actually the commission could add limitations to the conditional use process that might limit how access is taken, hours of operation, other characteristics of that business to make it compatible with the surrounding properties could be handled [inaudible]. may I go ahead and move that we close the public hearing and approve on all three readings. council member morrison moves to close the public hearing and approve on all three readings, seconded by council member martinez. Is that with the amendment proposed by staff? All right. Further discussions? All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. thank you very much. brings and without objection, council, we'll consider those four first and then all of those signed up against, and we have a couple folks signed up neutral. And again without objection I have proposed speaking order by those signed up for. I will call them in that order. First is camille jobe. Did I say that right? Camille jobe?

Yes. and donating time is garrett jones. Garrett is here. Laura dugan. Laura dugan. Wanede spirdueso and amy westle. Amy wessle? She has to be in the chamber. Rules say you have to be in the chamber. So you have up to 12 minutes. If she shows up before you finish you can have another three.

Thank you very much.

Spelman: mayor? council member spelman. I haven't had a chance to eat dinner. I'll be watching in the back room. Thanks. there's really not a tv back there. [Laughter] no, there really is. There really is.

I'll talk loud. [Laughter] all right. Go ahead.

Quickly before I get started I want to recognize elizabeth gardner in the room who is our immediate past president and the woman who led us through the first half of this process and continues. The service community tirelessly has volunteer efforts every year. I'm camille jobe, president of austin rowing club. We're delighted to be in front of you and share the vision we have for the waller creek boat house with you. Thank you for your patience. It's been a long day for everyone and we'll be sure to be brief. We just think this information is important for you to have and we want to make sure you make the right decision. We've gone through a long and thorough process with the city staff, and we are looking forward to working on a public -- on this public-private partnership with the city of austin, and do I have control of this? Okay. This project is going to be emblematic for our city and we know that we're -- we know what we're proposing here is going to put the waller creek boat house on the map here in austin and beyond. Austin rowing club brings three key components to this project that nobody else experience, community and economic impact. There we go. Austin rowing club was established 30 years ago by 20 people with a vision of bringing rowing to austin. Over 30 years the organization has consistently exceeded expectations in all areas of their mission. The first few years were spent moving two used rowing shells around town from garage to storage unit and even to a decommissioned hostile swimming pool for -- in the magic time machine, all the while launching increasing numbers of rowers on to town lake. In 1984 the town lake boat house was completed. [One moment, please, for] despite the poor economy and operating in the midst of a construction zone, austin rowing club saw a 20% increase in rowing services. Now, this is where the experience really makes a huge difference. Austin rowing club is the only rowing organization to host premier rowing events and bringing outside dollars into the austin economy. This year alone arc hosted the 29th annual heart of texas regatta, the 27th annual head of the colorado regatta and the 11th annual texas rowing championship. These events brought just under 3,000 registrants to the festival beach for a combined five days of racing. Though not a regatta bringing thousands of clemg rowers into the town for winter training requires effort and low jesse ta kel efforts, sometimes doubling daily capacity for the facility. 26 Northern crews depend on austin every year. We're proud of our record spanning three decades of consistent quality and growth in all of these events. Austin rowing club brings a business plan to the waller creek boat house that will provide the best and highest use for this facility. The advantage of community is that it provides a supportive network and opportunities to leverage talent and skills. We have arranged a team of best in breed businesses that are passionate about their work and focused on providing the best services in their category. There is no real benefit to a jack of all trades when you are left with a master of none. We have studied the business models of the top tier community boat houses around the country and this is the preferred working model. Here are some of our partners that will be on site providing services. Every one of these organizations provides a unique approach to their business and shares the desire to create a true community environment. Austin rowing club will manage these contract relationships and has every incentive to ensure that each of these partners do its very best economically to ensure revenue to the city. We have additional partners in the community that have agreed to provide professional services pro bono to help ensure that the waller creek boat house is a success. And you will recognize a lot of the names on this list because they're pretty great organizations in this city. Here are some of the services and activities that you can look forward to seeing in the waller creek boat house under the management of austin rowing club. Recreational and competitive event hosting. Educational programming. Free public events. Outreach programming and financial aid. Health, wellness and recovery programming. Youth and senior programming. Public access and amenities for park and trail users, nature preservation support and programming, daily rentals for paddling and pedaling, programs and classes for all ages, levels of fitness and ability. Now, this is the third key component to what really sets austin rowing club's proposal apart from anything else that you will see, its economic impact. Arc has fulfilled its charter of 30 years well and faithfully to support the sport of rowing in austin. Beyond all expectations we have made austin a major rowing city, brought the sport to thousands of rowers of all ages and built a legacy of positive economic impact by sponsoring all of the major rowing events, all of them. The study contained in our don hoyt shows that four of our events in 2009, three of the regattas and the visiting college group, produce over two million dollars in direct economic impact. 5 million in total impact and over 81,000 in tax revenue. We want to continue this contribution in addition to the new concession fee and other contributions under the new mandate from the city. I should also point out that the regattas produced -- the regattas that produce this revenue depend on thousands of volunteer hours from the club members. We have taken a poll and the members are not going to be volunteering their

time for anybody else's business. These hours, the regattas and the impact will go away if austin rowing club loses its home. The tax revenues are just one of three revenue streams we contribute directly to the city's budget. The others are the concession fee under the new boat house and the venue fee that we pay for the regattas. This concession fee is higher than our original proposal and higher than the rates for other concessions on the river. The table here shows the sums for five and seven years of each of the revenue streams. Detailed pro formas are contained in the binder you have. These include the profit and loss and more detail for the revenue contributions to the city. Beyond this we'll be making a large initial investment into the boat house. This includes over \$200,000 in initial buildout and over \$800,000 in boat sleeves that we bring with us. We have over \$300,000 in our capital funds from our member donations to build out. That means we are not going to require any loans. We don't have any debt. And the money is in the bank. The boat fleet is an asset we've built up over the years and we wonder quite frankly how anyone else on the river could come up with the funds for this kind of fleet. The figures at the top of the page are taken from our pro formas and show what we'll spend over five and seven years on building and management and various programs and services. This table shows some of the impact we make by virtue of being a nonprofit in a strictly commercial operation. Any surplus funds from rowing operations go back into the facilities and equipment. Nobody at austin rowing club takes home anything. The value of the volunteer hour is substantial. And if anything is understated, if anything, it's understated since in the case of the regattas it leaves out a lot of the preparation hours going into the regatta before the time of the actual event. The figures shown for economic impact are based on hourly and show a cumulative impact of over five and seven years at a very conservative five percent growth rate. The final slide sums up the various economic contributions arc can make by running this new boat house. Austin rowing club has presented you with a sound business plan that will provide the city of austin with millions of dollars over the course of this short contract. But the waller creek boat house should not just be about dollars and cents. It should be about providing access for those that cannot afford it, promoting fitness and health for all ages, promoting volunteerism in our community and supporting stewardship of our lady bird lake and her surrounding parks and trails. Thank you very much for your time.

Regina (indiscernible).

I'm here.

Mayor Leffingwell: Helen foster. All right. Danielle gisaad. Not here? A. lee austin. Betty weed. Not here. So you have nine minutes.

Good evening, mayor, mayor pro tem and councilmembers. I am regina rogas. For the past two years i have been a member of the city of austin's comprehensive plan, citizen advisory taskforce. That's about how long we've been talking about the boat house. I'm also a rower and I've been a member of the austin rowing club since 2003. I was part of the team that drafted arc's proposal for management of the waller creek boat house. In my day job I'm co of people's community clinic and I'm a lawyer by training. I, like most of the other members of austin rowing club, not only row, but volunteer. I have volunteered on average roughly 40 hours a year. That's full work week toward activities of the club, including working at regattas, at introduction to rowing classes, at free learn to row days, which is how I was first introduced to the sport. And annually hosting, along with many other volunteers, a group of adults with developmental disabilities who come each year to enjoy the experience of being on the water and at the boat house. This year they actually got to participate on the water in our new training barge. And as I said earlier, i also worked on the proposal. Arc is more than a concession. As a community. job didn't have the members of arc stand and i would like to take this moment and ask everybody who is here on behalf of austin rowing club to stand. There were others here earlier in the day who couldn't stay. I've been here since 10:00 a.m. Most of these people have been here that long as well. Thank you. I am proud of that community. Arc has survived the demolition of its boat house and operated in the midst of the ongoing construction of the new facility and the uncertainty about the future of its own existence. Nevertheless, it has continued to grow and to thrive, and has had an increase in membership of 20% in these adverse conditions. This has never been and is not an easy task. It's taken a lot of hard work, dedication, professionalism to coordinate activities with the construction process, and persistence. You

have the opportunity this evening to put this all to rest, to put the process to rest, to let us move forward knowing what the future holds. I really encourage you to make sure that you do not leave here tonight to make sure of what is to happen and that we have the opportunity to work with the city to create the best possible facility and program for this community and for the state of Texas that can be done, and we believe very strongly, I believe, that Austin Rowing Club is the right organization, and I ask that you vote in favor of item 53. [Applause]

Mayor Leffingwell: So the next speaker on the list I was given is Allen Garrettson. Are you Allen?

Yes, sir.

Mayor Leffingwell: You're signed up as donating your time to Mark Eden.

Yes. I'm speaking for Craig (indiscernible).

Mayor Leffingwell: You can only do one. You're speaking for yourself or for someone else. Mayor, Mayor Pro Tem, Councilmembers. I'm here to speak for Craig Spayly who at this late hour was otherwise detained, obligated. With your permission I will just read his comments verbatim. My name is Craig Stayly. I operate Mellow Johnnie's bike shop and (indiscernible) cafe in downtown. And also own and operate Royal Blue Grocery in its three locations. Our team at Mellow Johnnie's has signed on to partner with ARC in the Waller Creek Boat House project as its cafe operator. And have been working towards this goal over the last four years. Our team is able to bring start-up, retail and business experience to the Boat House project, which will be vital in ensuring the success of the cafe, and also adding to the overall project. In addition, we bring the solid financial footing of one of the country's best known bike shops that sees over 100,000 customers per year. Our interest in the new Boat House lies in the amenity it will provide to the city, Lady Bird Lake, all users of the downtown trail system, and of course, the Austin Rowing Club. And all of the activities it hosts. We believe that the facility will be yet another jewel in redevelopment of our downtown that will be enjoyed by visitors and residents alike. While we know how to run a business and turn a profit, we want to expand the Juan (indiscernible) brand. The Austin Rowing Club is absolutely the right choice for this contract. With their 30 years of experience operating in that space and the fact that they are not for profit organization, the city could not ask for a better partner in such an important project and we are happy to have the opportunity to be in this supporting role. I would urge the city council to not further delay the decision to grant the Austin Rowing Club this contract. Doing so would be detrimental to their ability to do work with the planning and buildout process. This will result in lengthy and costly delays if the facility is built with no input from the eventual operator. I can tell you the small square footage that the cafe will occupy would need to be completely rebuilt if the plumbing and power needs are not taken into consideration during construction. We are excited to see the Waller Creek Boat House coming together and know what an important amenity it will be to our city. Thank you, Craig Stayly, Mellow Onany Bake Shop. Bike shop.

Mayor Leffingwell: Pete Wall. Welcome. You have three minutes.

You may know we are an all volunteer nonprofit, 14 years old, and we operate a community bike shop where everyone can come and learn bike repair skills for free. We have a big new building and a long lease with the city of Austin, but are nowhere near reaching our potential. Operating a bike rental service has been discussed at many a Yellow Bike Project meeting, but was never a priority until the Rowing Club asked us to collaborate with them on this project. While renting bikes is not really part of our core mission of getting more Austinites to use bicycles as transportation, it will help indirectly. It will help with paid positions at our headquarters, which will allow us to do the things that we can't do now as an all volunteer organization. We expect more after school programs for children, build and donate more bikes to refugee projects of Austin, safe place and so on. We routinely have to decline requests with help at bike roadway rodeos for school. These revenues would allow us to be more accommodating to the requests we get from the community. Best of all, this income stream would be steady and local, unlike many of the grant funded situations that are vulnerable to the volatility of the larger economy. I can't

answer questions about the bigger issue about the boathouse, but if you have any questions about the yellow bike projects involvement and intention, I'd be happy to answer any questions. [Applause]

Mayor Leffingwell: Dean richards. Welcome. You have three minutes.

Thank you very much for the time. I won't take three minutes. So I'm here as a volunteer with the austin rowing club. I've been a volunteer with the austin rowing club since it was first housed in the youth hospital tell in the mid 1980's. My son learned how to hammer nails during that conversion from the youth hostel into a rowing facility. I've served as a learn to row instructor for many years as well. The city has always encouraged volunteerism. As a nonprofit organization that has served the city and its residents with honor and distinction at all of these years, I trust you will support our continued volunteer efforts by awarding us the management contract for this new facility.

Mayor Leffingwell: Darla porter. You have three minutes.

I did have to get special clearance for this paddle today. It's a kid's paddle.

Mayor Leffingwell: Sorry for making you wait so long.

I grew up. Thank you, mayor, mayor pro tem and councilmembers. I'm darla mcdonald and in 2008 the austin rowing club asked me to be a kayak partner in the boathouse. And I'm very proud to be part of this new hybrid boathouse. I'm very excited about it. I've been an austin rowing club for 22 years. In 2007 I opened a kayak concession with the city of cedar park and I've had five years of hiring and managing and operating that business since that time. So in essence I'm coming home, back to town lake and lady bird lake. I know the east end of the lake and I look forward to our customers discovering it for themselves. Jumping to the numbers in the proposal, at least for the kayaking portion of the proposal, our numbers were built on solid expectation using a 2009 trail market study that was done on site and I'm also using the 2010 census demographics for several of the census tracts in the area. We do have a pretty good sense of what to expect and have conservative estimates on our numbers. In terms of populations that we're going to serve, our median age appears to be somewhere in the range of 31 years. But we do see the trend towards older age groups, so we're looking to serve them as well. We'll have a variety in terms of the populations of ethnicity. We see that. I see that in cedar park today. It will be a little bit different in downtown area. What we will do that will be new in the waller creek boathouse is setting aside time for the first timers, for the people who still think kayaking is a white water extreme sport. And slowly that is changing. We're finding that we are demystifying the sport of kayaking. One of the other special things we'll be offering is a program for downtown workers and it's going to be called something like workers on the water. Y'all need a break during your day and we hope to make it easy to get you in a boat, a reserve boat and make it part of your schedule to get recreation. Finally, my opinion in this whole proposal is --

Cole: Excuse me. That was a great idea. [Laughter]

thank you. I think it's really important to open up the doors of this facility. The residents, the neighborhoods and to the tourists. So many of the boats that we have are behind doors and not everybody can get a real good touch and feel, and we need to do that, either as a regular open house or other ways to do that. [Buzzer sounds] thank you very much.

Mayor Leffingwell: Darla, if you would like additional time, several people donated time to you. Ggy sealy, frank (indiscernible). Is peggy here? Frank? All right. Jean mather? Not here. Joe sealy. So you can have nine more minutes if you want it.

Well, I'll just take three. We will have special tours down to bird island. We'll have the bat viewing like many of the concessions do. We'll have summer camps like we do at cedar park. We'll also involve

schools and the pta's, there are a lot of things we have planned to do that we've done successfully in cedar park. And I look forward to doing that in the new waller creek boathouse. Thank you for your time.

Mayor Leffingwell: Thank you. Michael wayland. Hold on. Several people donating time to you. Timothy jones? All right. Donald curtsdz. Virginia hoffman. Jeffrey tullis. You have up to 15 minutes.

Thank you, mayor leffingwell, mayor pro tem cole, councilmembers. First and foremost it's an honor to be representing austin rowing club. I feel like I'm relitigating some issues because we don't necessarily have rebuttal. I'm going to be taking up some issues that matt raised, the owner of texas rowing center, at the parks board, so we can preview a little bit of what you might hear in a few minutes from him and what questions you might ask of him as he begins to talk about a disqualified proposal that he had. And that really is the first point. He's going to be suggesting that because he got the initial contract, I think somebody a moment ago handed out the evaluation may trick. I saw an aide do that. You may want to take a look at that. You will notice that all of these different items were within one point of each other except for the revenue, which I will hit hard here in a moment. What's very compelling -- and I think the parks director, sarah hensley, stated it best earlier this week when she testified to the parks board, quote, both groups are very capable. When you look at this sheet and you start to wonder where is the one difference, which is revenue, I will tell you what has happened in the last few months with our negotiations. And it's a good thing. In the negotiations we've been pushed. The austin rowing club has been pushed and pushed and pushed and now our offer with the city is more than -- it is more than the offer that matt had initially. The one area also that i think is significant is financial viability and stability. Immediately when you think nonprofit, you wonder do they really have the capability? But then you pause and you start thinking about the wildflower center and safe place and austin city limits and so many other organizations here in town that make austin truly unique. But don't take my word for financial viability and stability. Staff comments on the original proposal that accompanied the matrix that you have before you stated this about texas rowing center, the for-profit organization. This is what it said about t.r.c. provided no backup documentation to prove past revenue, end quote. Quote, they failed to provide detailed pro formas or financial statement to substantiate staims of financial viability. failed to provide actual financial statements, unable to determine true financial health of the proposer. That's what the staff review was back at the time this matrix was done and why we scored better, why austin rowing club scored better than t.r.c. Remember, on the revenue, total revenue to the city, our offer as it stands before you today, is more offer that was reviewed at the time this matrix was done. There were questions asked of parks board, how can a nonprofit do this? It is a business. Austin rowing club has two lines of credit. It has no liabilities and it has cash in the bank. It's prepared today to invest in the boat house. One of the slides that you saw indicated approximately 200 now dollars that austin rowing club is ready to invest in the buildout, in addition to the \$800,000 of inventory and equipment, over \$800,000 in inventory and equipment that it's going to commit to this boat house. Matt suggests, you'll hear, that austin rowing club's numbers are unreliable. How on could it be that we could grow expo nen sheal? But what he fails to tell you is we were a single sport nonprofit. Our proposal is not a single sport nonprofit. It conglomerate of organizations with prorch track records so that we have multiple lines of revenue from which the city will be receiving a fee. That's what we have put together. The people we've put together, whether it be mellow johnnie's cafe, the yellow bike project, or the kayak in cedar park who has a proven track record there, are all experts in their fields. Third, matt will suggest there's no t to rebid -- there is time to rebid. We would say how could that be? Substantial completion, ask your staff, substantial completion on the boathouse is 60 days from now. It should be done substantial completion by september twoach. We're less than 60 days away. We need to get somebody in there to operate it. We also know from this process alone a rebidding process, which is the suggestion you're going to hear in a few minutes from matt, would take, he suggests, seven to nine months. I would suggest based on this particular experience, least a year and a half. Matt suggests even by coming before you to beg to rebid his disqualified bid, that he should be able to bid again. I have to tell you I don't think that's what the law is. We might have a fight about this. Probably not at this venue. But I don't think that he will be allowed to rebid under the current ordinances of the city of austin. Matt's suggestion also that the austin rowing club has not and will not invest and that it has a track record of getting a free ride is outrageous. Just outrageous. The parks board members have also insinuated as much, perhaps because of his lobbying effort. One park board member has stated, quote, is there anyone here from arc? They've had

a pretty good ride, end quote. Nothing could be further from the truth. As you heard, it's a fact, austin rowing club members raised the money to build the boathouse originally. It's a fact the boathouse was given to the city on behalf of the austin rowing club. It's a fact that the austin rowing club maintained and has managed the boathouse for over 20 years. And it's a fact that due to the waller creek project, the parks department used the demise of the donated boathouse as a lawful mitigation to get this new boathouse. It was, that is, the asset that was given to constituent by supporters of the austin rowing club. That asset, the demise of that asset, lawfully -- due to lawful mitigation, allowed for the new boathouse to be built. What has austin rowing club done? It has a significant investment of boats, over \$800,000, and is prepared to commit \$200,000 in buildout. It's also committed in its proposal to 100%, 100% of all non-commercial revenue be reinvested so the fleet will grow, the building will be maintained, the docks will stay nice and the grounds will flourish. 100% Reinvestment. I do want to mention a few items that came up at the parks board analysis, which you may or may not have seen, but I think it's important for you to know the parks board we believe has been perhaps not adequately informed and shame on us if that has been our fault. I want to raise some issues they raised and address them so that we can just have that out there. The park board analysis included an objection to the lack of vendor financials or pro formas. First and foremost those of course have been readily available throughout the process. Moreover, we provided those pro formas in the original proposal. We've got purchasing here. We're not allowed to talk to parks board members. Purchasing is the only people we're allowed to talk to. In fact, only one point of contact. They've had this in our original proposal all along, staff's reviewed it. The level of scrutiny has been high. There was an objection to the lack of object bid process for the subs that we chose to put together as our team when we presented the r.f.p. We don't understand that point. we followed to the tee. There was a purchasing staff meeting to review and guide each of the bidders on what you could do and what you could not do and we followed that to the tee. Purchasing has in fact confirmed the non-requirement of some public subcontracting bid process, especially since our bid was reviewed and the partners were all disclosed well in advance. There was also a criticism, I couldn't believe, that we were receiving pro bono services from gsd and m. I have to tell you, the fact that somebody doubted that someone of gsd and m statistic tour would state that they were providing pro bono services. Draifs dougherty has made the same remark in a letter. It hurts the bottom line nonetheless, but that's a different issue. But when I thought about it for a moment, why are these organizations -- why are all these organizations providing pro bono services? And the reason is it's an important community effort to ensure that nonprofits in this town continue to provide a high level of service and that they do so integrity. What you're seeing is decades of nonprofit service in this community being leveraged for more non-pro profit at the highest levels. The difference you see tonight with over 100 people , volunteers committed because they know that if they don't get the boathouse, they don't make it a success, there will be no place for their boats. And what do you have on the other side? It's fair. A for-profit organization. Matt testified he's made a million dollars at his location at austin high. I'm glad. I'm glad. That means that the city gets nine percent of that. That's fantastic, but he's got nine people here. Most of whom are paid staff. I know there's one or two that aren't. I get it. But the folks that have donated time to him are paid staff. And that's great, that's fantastic, but there is a difference. And we need both. We need both. The other thing we've saw is there was a suggestion that matt could form another entity and rebid. Again, I think you'll see when you have a legal review that that is something that he just can't do. I have to tell you finally the park board's view of the disqualification has been unfair because it was only one accidental email might at first hit on some heart strings. We get it, we know you've revised the ordinance. And they always have seemed uncomfortable. The parks board hearing after hearing has always seemed to be uncomfortable that there is a sole bidder. Really enough already. The parks board has been told on more than one occasion that all procedures have been followed and reviewed. People have had an opportunity to protest. Both of us have had hearings before a hearings examiner and have asked for further reconsideration. But when you go back and read transcripts of parks boards hearings, you will see that their intent was to always have a sole bidder in front of them. As I'll quote one of the parks board members saying quote -- this is right before the purchase process. Quote, I'd rather see texas rowing club get this wonderful facility than arc, end quote. From the beginning they have wanted a single result. They are just upset it is not the sole result that they set out to achieve. Finally. We are now going to engage in a few minutes when matt gets up here in a public bidding war, which is exactly what our rules and regulations are set to avoid. You're going to have matt stand up here and tell you that he can deliver a flat 15% across the board and he will

guarantee 1 point a million dollars over seven years, which is half a million dollars less than his proposal of a million dollars that he did originally. So we're now in a public bidding war. And here's the challenge to matt's approach that I would ask you about. Has he submitted all of the pro formas and backup just like we did to the scrutiny of the staff and the purchasing? Has he demonstrated an ability today to purchase \$800,000, \$800,000 of equipment and boats and fill the new boathouse with that inventory? He doesn't have it. He's got inventory at his current location and he will continue to make money at his current location, but he doesn't have \$800,000 of inventory and he hasn't shown that he can do it. There's no analysis of his revenue assumptions or the sources of those revenue. He assumes, for example, that austin rowing club was going to bring their 800 thousand dollars of boats and equipment to the boathouse for his use. He assumed that the volunteer membership committed to volunteerism for a nonprofit are going to run regattas. We all know what we can say about assumptions. And frankly, nobody is going to do that for a for-profit organization. Today you see the difference between the two organizations. Why is matt continuing to make these offers after being disqualified? That's the real question. What is motivating this behavior? I think it's simple. Through predatory bidding he has figured out a way to monopolize the river and ultimately make a mint and kill the arc. This is not in the best interest of the city. Instead, the austin rowing club offers more money to the city right now with two large active rowing centers, one for profit that matt will continue to operate, and one not for profit. You will have two that will remain. And you will therefore provide more choices for austinites and make both entities work harder to attract more participation. Many of you have stated or thought people over profits. That's what austin is about, people over profits. Today you have a chance to accomplish both. Allow a proven community based organization to manage the boathouse and make money for the city. The austin rowing club cannot survive without a boathouse and you will provide this without giving up anything. You can provide the boathouse and make money. You don't give up anything and you support a great community organization that has proven itself for decades. Thank you very much. [Applause]

Tovo: Mayor, I have a question.

Mayor Leffingwell: We have a question, I think, from councilmember tovo, mr. when he land.

I have two questions for you. You had quoted someone, i believe it was a parks board member. Is that right?

Yeah.

Tovo: That was the piece I missed, who it was that I said that comment. A parks board member in a hearing?

Yes.

Tovo: And the second question I had for you, you used the phrase predatory bidding a I wanted you to explain what were the examples of it.

For what he's doing we have a public bidding war going on. It really is predatory pricing is continuing to out bid or low ball to get all of the business and run all of your competitors out. I'm just using the term predatory bidding as a way to highlight what I think he's trying to do, which is continue at each point in this process to up the bid in a public display without any analysis in order to drive for a rebid and ultimately monopolize.

Tovo: Has the austin rowing club changed from then to now?

It hasn't, their public posturing has.

Tovo: No, has your organization's changed?

Of course, because we've had to through negotiations. We were told they were the remaining bidder and we were then engaged with purchasing in a hard negotiation that ultimately had us with more money than the original proposal by -- that's what you want your city staff and purchase to go do. They are tough. Tough.

Tovo: Good. But my point is I guess, both bids have evolved over the last year.

Yeah. In very different formats. Our has extraordinary scrutiny from purchasing and parks and one has no scrutiny at all. And no provision to provide for documentation of support for the claims made.

Tovo: Okay. Thank you.

Cole: Mayor, I have a couple of questions.

Mayor Leffingwell: Mayor pro tem.

Cole: Back in 2006 when mayor pro tem betty dunkerley and I started on this project and if someone would have said the most contentious issue that you will face over the longest period of time will be the boathouse, I would have said where is it?

We want to tell everybody where it is.

Cole: Yes, I know where it is. But I mean, I never would have predicted what I have gotten wind of for a long period of time. And listening to your presentation I'm starting to get an ever bigger picture of what's going on at the predatory bidding and it seems like we have gotten very, very far. But the one thing I want to ask you in a big picture, and we can come back up and talk about it later when the other rowing club is up. Why can't there be any collaboration? What efforts have been made for that?

That's a great question. That's a fan mastic question. And we have suggested and continued to suggest that we're happy to manage and operate and we have also stated repeatedly and will continue to state in public that we've agreed to house all of matt's nonprofits. He has several nonprofits. And that he's established. And we're happy to lend the nonprofits equipment. We've already expanded our offerings to accommodate adaptive events such as at regattas. And by making that offer to house his nonprofits, we actually free up space at texas rowing center near austin high so that he can make more money to rentals. And for profit revenue generating activities. But trk's position mayor pro tem is that the trrk if it were to get this would allow the arc to run regattas. This is not going to work. Regattas work because of volunteers. And that's why trk t.r.c. Can't do them. You need volunteers to run your marathons, to run your walks, to run all of the events that occur. And the difference as you can see tonight is that core group of volunteers that run these regattas that make tens of thousands of dollars just in hotel bed tax each year for the city. Volunteers do not volunteer for a business that make money for a single person and they do not reinvest in the community like arc does. That isn't what volunteers are looking for. They don't want to support one person that is running a for profit organization.

Cole: weigh lon, i totally get your position and what you're saying and i believe you and it's more evidenced by the group of people -- I don't know why you've had them here all day. You must have had some idea of when we would take this up. But we'll blame that on you.

Thank you.

Cole: But at the end of the day, we need both.

And you will have both. That's the great thing about what we're proposing. By having us at the boathouse at waller creek and by allowing matt to continue at austin high, you get the benefit of both a nonprofit on the lake and a for profit. If we are not at the boathouse you will have a monopoly on the lake and you will not have regattas in the city because you will not have an austin rowing club, period. What we will have is a big boat burning because we're not going to sell at a discount a bunch of boats to a for-profit organization. It's just not going to happen.

Cole: You're making for-profit sound like a dirty word and I know where you work and what you do. [Laughter]

I understand. I'm not saying that it's terrible. I'm just saying if you want regattas in this town and to motivate volunteers to participate in that level of volunteerism, you have to have a nonprofit leading them and committing itself to 100% reinvestment in this community, which is exactly what austin rowing club does and what waller creek boathouse stands for is reinvestment in this community.

Cole: Thank you.

Mayor Leffingwell: Next speaker is karen

(indiscernible). Do you have anybody donating time to you? You do. Jim rudd di. Kelly garrett. Let me read them all off. Kelly garrett. All right. Lisa allen. And sare va (indiscernible). You have up to 15 minutes, but you don't have to use them all.

I appreciate the show of support, but I only have about a minute.

Mayor Leffingwell: That's all right.

This is going to be a pretty stark contrast. We now have the mild mannered corporate lawyer compared too my partner. My name is karen. I'm a corporate transactional lawyer who has been handling the contract repositioning on a pro bono basis for arc. I'm a shredder with graves-dougherty. I generally represent for-profit businesses. But also have kind of a subspecialty in profit -- not for profit joint ventures. I've done the work for klru on the acl festival and block 21. For the wildflower center , david's foundation and its dealings with (indiscernible) partner. The main thing I want to say is that despite the pr campaign that has occurred in connection with this matter, in my experience in dealing with arc for the last two years, I have found it to be a first class business operation. It's a well run business. They have got terrific leadership. They've got a good governance set up. They have a deep bench of top-notch professional help and their finances and operations are completely transparent and straightforward. So the depiction in a lot of the media and in some of the city meetings, like the pardon m earlier this week, of arc is this sort of nonprofit, unsophisticated, unbusinesslike operation with numbers that can't be relied on. That depiction has been intentional. It is not true. It is not fair. And it's a bunch of huuey. So that's really the main point I want to make up here. And something related, i want to say that I've spent a bit of time looking at the related nonprofits, and I don't want to overstate this because I'm sure those organizations do good work, but I feel confident that in looking at and in looking at those related nonprofits, you are not going to get the same kind of straightforward and transparent picture that you will be getting from looking at arc. I'm now going to do you all a big favor by skipping two pages of ranting about the pard meeting. And say that prior to the pard meeting arc and staff i think had been moving forward really well. We had really constructive set of meetings. We were moving toward an all hands on deck thing where we were moving toward having a contract done and signed by january so that we could have an operator in the facility when it opened. I'm urging you now to let us finish this process, to let us bring this to your really excruciating thing to a conclusion, and authorize the

staff to move forward to negotiate and sign an agreement with arc. That's it. Thank you. [Applause]

Mayor Leffingwell: These other speakers signed up for, were not on the handwritten list, but I have to call them anyway. If you don't want to speak, just say so. Elizabeth gardener and jim hutton and seton bedner, janet vois. Jim rumbo. Jack graham. Margarita villareal. Doug simmer. Phyllis harvey. Elizabeth webb. Mark eaton. Phillip hudson. Caitlyn hart. Anne webster. Frank lee junior. Susan goldberg. Fernando (indiscernible). Juan (indiscernible). Oops. Okay. Went too far. That's all. Fernando (indiscernible) is the last one. I'm not going to go through the ones for and against and not wishing to speak, but we had 114 citizens signed up for, a total of 10 against and two neutral. Juan (indiscernible).

Good evening, my name is juan. I'm executive director of hispanic contractors association. And I'm here tonight in my capacity as board chairman for the emma barrientos mexican-american cultural center advisory board. I'm here to point out a couple of things and what i haven't heard tonight is what actually has been missing from the design phase of this project on the lake. And from the contract that's about to be addressed tonight. What's missing is the huge impact -- negative impact that this rowing center is already having on our mac campus and the huge impact that it's going to have wups this contract is approved. This project was approved as a marina with 400 square feet of parking space. Commercial parking ranges on an average of 150 square feet to 300 square feet per vehicle. And this marina has 400 square feet. So if you do the math you might get one vehicle to and if you can see the list of all the activities that the rowing center is under contract for, there's quite a lot of activities. So nobody has bothered to ask where is everyone going to park? If this is a marina, I guess I'm assuming that anybody would assume that everybody is coming by boat. Probably not. This is the final version of the parking study that was done for the mac. It includes a section for the rowing center. And the first sentence says that the boathouse facility adds another variable to the projected demand for the mac parking surface lot. Right now there are fist to 60 vehicles using the mac parking lot. The projected parking demand for the new facility is going to be 100 to 120 vehicles on a weekend. Between special events and additional recreational usage, 120 evening spaces will be needed for the expanded boathouse. The mack has 125 spaces. And sth project is going to open in january, two more months. [Buzzer sounds] I would like to urge you not to pass this contract tonight. It's a very serious project.

Mayor Leffingwell: I have a question for you. So the item that you're signed up against is really awarding a contract to austin rowing club as opposed to texas rowing center. But your issue about parking, which is a valid one, I think, and one that we need to address, maintain a parking space at the mac, but it's really separate from this contract, as I see it. Because it doesn't matter which or -- either or both of these organizations get the contract to operate the rowing club there at waller creek, neither one is going to have the same impact, right? So we still have to address the parking problem in any scenario.

That's correct, mayor. Either scenario, either club will have to do that.

Mayor Leffingwell: Yeah. So I agree with you that problem needs to be addressed, but I think it's separate from this particular contract award item. But I know that it is a legitimate concern that has merit.

Yes, sir. It's a huge concern.

Mayor Leffingwell: Thank you. Next speaker is al lien cantu. Signed up against.

Good evening, mayor, mayor pro tem and councilmembers. My name is alvin cantu. I have worked for the texas rowing center since 1996 and I've been the general manager since 2001. We know what it takes to manage the waller creek boathouse and to generate the kind of revenues being discussed here tonight. Trk is the only concession on lady bird lake to generate more than one million dollars annually. It's not easy, but we know how to do it. as we know it today did not happen overnight. It's taken years of trying new things, to discover the winning formula. It's taken years to build years of nurturing our relationships with the austin community, the parks department and most importantly it's taken years to

build the right team of people. A team of people we are proud to pay for their efforts. Together with my team we the most successful concession in the history of lady bird lake and want to bring that expertise to waller creek boathouse. Rain or shine, hot or cold, all day and everyday t.r.c. Is open for business. We are always there so anyone can walk up at any time and we can help them to have a wonderful experience on a beautiful river. We are not just a profitable rowing and paddling center again, something we're proud of, but also we have evolved into a community center. Ours is unmatched by any austin concession ever. We are an important piece of the fabric of the austin community. has always been a concession with open doors and friendly people rather than merely a boathouse with locked doors and key pads. [One moment, please, for change in captioners]

just at much at any neighborhood east austin community deserves top in that boat house. They would love to be part of that experience. Please consider those austinites who are not in this room tonight and reinstate the trc proposal to the members of tnc and trc on behalf of the austin community -- your time has expired.

Thank you for your consideration. next speaker is matt nifton.

Spelman: mayor? I move we extend the meeting after 10:00.

I feel a little -- council member spelman makes a motion to extend the meeting 00, secked by council member tovo. For? Say aye.

Aye. opposed no? We are extended indefinitely.

Good evening mayor, and mayor pro tem and council members. I feel a little set up. I'm I've lpped to lawyers spend 23 minutes talking about me and I hope you'll ask any questions that were when it would take me 30 minutes to respond to all the inaccuracies that he said. My mother is at home watching and she just learned that her son is a predator. I respectfully urge you to reject the arc proposal. It's been rejected at every level unanimously by the austin parks board. This proposal is not good enough for austin. Under this proposal if arc can somehow double its current revenues parks will only receive \$30,000, a poor return on a 3 1/2 million investment. It was picked as the best proposal including a perfect score for fees of the city. That was confirmed by a tribunal of city board leaders. On january 24, 2011 trc sent a four paragraph email to the members about the staff recommendation and information regarding the january parks board meeting. A council person who is also a trc member received that email along with 359,000 other people. Although nobody believes this was an intention attempt to influence the council member, it was determined that it constituted a violation to disf trc in 2011 leaving only arc. Judge wrote, if they're inclined to [inaudible] anti-lobbying ordinance, these facts with support such action. I ask council to wave this violation and reinstate the trc proposal and direct staff to begin negotiations to begin the new boat house. Our proposal includes a guaranteed minimum payment of \$1 million in concession fees. Arc has zero dollars guaranteed. The risk is entirely on the parks department to succeed. We would pay 15% gross revenues, whichever is greater. Without guaranteed revenues the risk is all on our parks department. The arc proposal is inadequate. Trc would provide all of the services proposed by arc as well as a national training center for athletes with disabilities. Finally, we propose to find space for arc so that that argues can run the regattas and continue work for the austin community. That way the 800 trc members and 400 arc members can all enjoy the new parks boat house and generate more fees for parks. Remember, this facility is larger than the current facility that we own and the arc's former facilities combined. So there's no need to exclude 70% of the austin rowing community. thank you. Time has expired. Questions? Council member tovo has a question for you.

Tovo: just a few.

Thank you. I think I heard you say that you have 800 members.

That's correct. and can you give me some sense of -- can you go over the finances again in terms of what your offer contains to the city?

Yes. Thank you very much. And by the way, the reason we initially did not provide financial documents to the city as part of the proposal process, it was not requested in the proposal, and all of my financials on a monthly basis are provided to the parks department and they're in their files and publicly available to anybody who requests them. Our proposal included -- and by the way, we did provide those that were requested on september 1, 2010, we provided all of the financials requested of us on september the 2nd, 2010, one day later. To answer your question, our proposal includes a minimum of \$1 million over the seven-year period, that's the five years plus the two-year extension, a minimum of \$1 million in revenues to the city or 15% of gross from day one, dollar one, not one of these deals where you get 3% on first 100,000, 10% on the next 50,000, whatever it is. Ours are from day one, dollar one, you get 15%, or the million dollars, whichever is greater. So the minimum you'll get, the minimum the parks department would get would be \$1 million over a seven-year period.

Tovo: okay. Thank you. I think that's it for now but I may have others later.

I'd be happy to answer any other questions. is that the bid that you made? That was the offer on the table at the time you were disqualified?

Yes, sir.

Mayor Ieffingwell: okay. All right. Next speaker is cara roth.

Mayor, city council members, I'm [inaudible] employee. My name is cara roth. I'm an aquatics rehab specialist at the center for the intrepid at brooke army medical center. There we see patients, service members that have life-changing injuries, and I run the aquatic center, which are exercises, adaptive swimming and water safety. On my own time I come here to austin, I serve on a board, nonprofit organization called texas rowing for all. And it was created about three and a half years ago for the purpose to provide adaptive rowing and paddling to youth and adults with physical and intellectual disabilities. The texas rowing for all receives a very small grant olympic committee, which we probably appreciate, but a big part of what keeps our program afloat is a donation from it. rc of both -- from it. Rc of rowing equipment, kayaks, came new and even the trc members pitching in as able-bodied experienced rowers volunteering. Good volunteers are very important to our program. Along with the aquatic program at the center for the intrepid, I also ask the opportunity to bring the adaptive rowers service members to lady bird lake to trc for. Adaptive rowing program, and the wounded warriors that come up to participate have a great deal of injuries that need adaptation in order for them to row. Many of them are single, bilateral triple amputees, spinal injuries that need fixing. Many have burns over a great percentage of their bodies. However, the experienced coaches at trc with all their experience and knowledge with adaptive rowing, none of these challenges are too great for them to get our athletes on the water. Some of the service members just going out in public for the first time and coming up here is a greater challenge than actually learning how to row. Some have even -- once they've learned how to row have even gone on to make national teams. For many others, getting out on the water and enjoying the rowing with the injuries they have is a huge success for them. Even more successful is if they would continue on the rowing and make this a lifetime sport fitness. Anyway, before I go I just hope that the council may consider either waving the violation against the trc and giving our organization an opportunity to progress. Thank you. thank you. And just for your information, that would not be possible tonight since we're not posted for an action like that. maria shelton. Not here. Max woodbin?

Mayor Ieffingwell, mayor pro tem, council members, first of all I just want to thank you you all for what you do. I know this is one of the more contentious issues that you are facing, but just thanks for being our elected servants. You all do a great job and i really appreciate it. I am not employed by trc. My connection to the texas rowing center, I graduated from lbj high school last year, much to the relief of competitors at the austin rowing center. He's now rowing for the university of southern california, which

you may recognize as sort of on the same competitive level as that institution of -- off of the drag. But I am here because of a commitment to him. He was rowing for the Texas Rowing Center for 17 years competitively, and he wanted me to come to you tonight to ask you to respect the work of your staff, the Parks and Recreation Department, and to respect the works of the Parks Board and to overturn the contract pending for you and to reopen the bid. And I think what's been missing tonight is one thing that I heard our wonderful Parks Director, Sara Hensley is being quoted as saying. These are two wonderful organizations, that they bring different skill sets. So I hope that you will go back to your experts, the Parks and Recreation Department, and recognize that they rated the Texas Rowing Center higher and that you will respect the work of the Parks Board, who voted to also overturn this decision. So thank you very much. I appreciate your time. Thank you. Those are all the speakers that we have signed up against. We do have two who are signed up neutral, and Vera Gavin, Ann Vera Gavin. Come on down. Tell me if I mispronounced that, please.

It's a long time, it's Vera Rogavin. Got it.

Mayor and Council members, thank you for the opportunity to address you today on this item. I have registered my comments as neutral because I haven't had access to the proposals which were submitted and don't have a high enough stake in the process to comment competently on their merits, but I do want to urge you to ensure that this taxpayer-funded facility is fairly shared and open to all users as it can be a community [inaudible]. I do not believe in a winner-take-all attitude in administering this contract. I don't believe it would be in the best interest of the rowing community or our citizens. I'm not aory, but my high school rower but my high school aged daughter is in the program. It's a wonderful program. TRC operates this and other successful programs which generate revenue to the city, which you heard about at a recent town lake briefing. They also operate several outreach programs to their nonprofit arm to encourage everyone to participate in the sport. My daughter has volunteered in introducing high school students to participate in this sport as one of these activities. TRC exhibits good stewardship of the lake. Youth participate in town lake cleanups, coordinating with Keep Austin Beautiful and a program which Max's Fund and family organizations. Parents and club members help with local regattas when asked by the Austin Rowing Club. I've done it myself. Our families host visitors from the nominees for the women's rowing team. In short I hope there are no mischaracterizations about the Texas Rowing Center. If anyone says the TRC doesn't pull its weight or doesn't serve the community or that their members don't care, it's simply not true. TRC does all these things while providing a generous return to the city. Their staff has exhibited professionalism, high mindedness, restraint and positiveness throughout this whole process. I appreciate what the Austin Rowing Center does as well -- excuse me, Austin Rowing Club. It too has wonderful programs and it is good to have a friendly rivalry, and ARC does need a home. But I wonder about how much sharing they would do with the whole rowing community? Will they give rate and access preferences to their own members or will others will be able to use exercise, boat, shower, facilities, if they belong to a different club. Will there be input from all centers about how the club is run? Have models of a shared boat house been considered? I hope whatever council decides to do will share exercise to all users and will still generate good revenue to the city, as this is not just another concession but the new city boat house that we're all paying for, it should represent everyone. Thank you for your time. Thank you. Natasha Boneford. Not here. So those are all the speakers that we have signed up. Council member Martinez?

Martinez: thanks, mayor. It's been a long day and so I want to start out by thanking everyone. You guys have been here just as long as we have, and you don't get to go take breaks. You have to sit here. But I do appreciate you guys hanging in there. I think we have something that we can move forward with, but what I plan on doing, mayor, is I plan on making a motion to adopt the item to negotiate but not execute, and I think that provides protection for this council as well as for the community's interest as well as for ARC, because if you're presented something that you can't live with, this council has acted and it's executed upon, and you will simply have to reject it. By allowing the negotiation to proceed, it still allows you to consider collaborations, it still allows you to sit down to staff and work out the details of the agreement and then finally come back to council for an execution, and then at that time it still gives you another opportunity and community members another opportunity to speak to council, and hopefully will stay here but it will give you that additional opportunity as well. And so with that, mayor, I will move that

we authorize negotiations between staff and arc with the added direction, and I'd just respectfully disagree, mayor, that I think we can add direction that in the negotiations we discuss things like the parking issue that was brought forward with the mexican-american cultural center, because I think whoever we enter into an agreement with, we can create a level of understanding of how we share or use space, especially as it relates to the mac and the boat house operating cohesively together. That would be my motion, that we authorize negotiations.

Second. Second second ed by mayor pro tem cole. And I never said, in fact, i suggested that should be part of the negotiations, however it turns out, reserving space for [inaudible].

Cole: mayor? council member riley and then mayor pro tem. I'd just like to ask one question of ms. jobe, if I could. jobe, you heard [inaudible] speak in regard to the parking issues down around the mac, and i think you know that parking is a scarce commodity downtown, in general, and in that area in particular. Whatever solution we come up with, it's not going to involve -- it's not going to be free. There's going to be some expense involved in providing adequate parking to meet all the competing demands that we have for those who want to on down and either use the rowing center or to go to activities at mac or enjoy the rainy street neighborhood or whatever. So I have to ask because it's important for us to know. Do you expect that folks who come to the rowing center will be willing to pay a reasonable fee to park during the time that they're using the facilities at the rowing center?

I do think that there is a lot of flexibility in that area. Our primary concern is that we have some sort of stabilization in the parking issue itself, because what we want to avoid is -- we've had rower, hundreds in and out of the neighborhood and we know parking spots. The people that are there and '6 a.m. know where to go. It's the cafe people, going for rentals, how do you put on a web site, come here, park here on some kind of facility without stable contracted parking. That's the primary directive for us. We know there's going to be a cost tomg. We're just -- to this. We're just looking for some direction from different departments within the city of how we can solve that in a collaborative way. We've sort of written that into our performance. We know that's going to be an expense. We're not exactly sure how much because we're hoping we can make some kind of deal that will be e helpful. do you think that's an expense users might be willing to bear?

We expect we're going to have to subsidize some of that but some will be passed on to the user. We have to stay within the marketplace. There are a lot of renters pandz the lake and we have competitors and we can't just tack things on top of it and expect to stay competitive, so -- thank you very much. mayor pro tem? I to say the reasons why I'm -- the motion to go ahead -- to negotiate but not to execute on the contracts and that's primarily because I would like to see more collaboration, and not just collaboration with, you know, the rowing clubs on the lake, but also with the waller creek conservancy with the parks board, with the booking as best practices throughout the country. We dnl intend for waller -- did not intend for waller creek to just be another place that you can go and sit around. You all are our world-class destination, and you all are the first one out the chute and we want you to be the leaders in establishing the conduct that we're going to do on that -- in that facility and in that area. And so as you all may have seen tonight, we're talking about a convention center hotel, but even before that comes, the boat house comes. So this differential between being profit or nonprofit isn't nearly as important to me as the fact that you're the first ones to go, and it needs to look like austin, and austin style collaboration, and that should be funding for other concessions and your concessions, and I think if you work with the conservancy they would be able to help you come up with ideas for marathons and regattas and how to make those profitable and other concessions that are to come. So the main reason that we're just not ready to go is because we haven't yet seen, I don't think, the austin spirit on this one, and I'm asking you to put your efforts to get that. Thank you.

Mayor leffingwell: okay. So we have a motion and a second to negotiate with the austin rowing club, with additional direction to consider such factors as mac parking and also to collaborate with the other organizations such as waller creek conservancy and the parks department and the parks board.

Tovo: mayor? council member tovo. I want to just also say, you know, I've heard a lot of these discussions as a member of the waller creek citizens advisory committee, and I really believe that the best model would be one that involves both organizations, and so I want to add to that list the texas rowing center. I would like very much for this proposal to come back with some role for them in this -- in this contract, and I -- you know, in part I'm trusting our parks staff and our parks board, which has reviewed the numbers very carefully and felt confident that that -- in the economic, financial liability of that organization, and both organizations, I think, are capable. It seems to me that they are both -- either one is going to make a success. I really am impressed about what I'm heard tonight and what I know about the austin rowing center, but again, i really think it would be a success if there could be some kind of collaboration specifically with those two entities, and if that makes -- means that the park staff takes a bigger role in managing, well, that might be a model that's worth considering too. so -- and I -- I would like be the advice of the city attorney on this because my understanding is we can't negotiate with prc until the ordinance is waved.

Oh, that's correct. I think what the direction that the council members are trying to give is to our staff with the understanding that arc also understands that our staff will be looking at broader parameters in the negotiations that they're going to be engaged in in bringing back a proposal for the council to consider.

Mayor leffingwell: okay. So that suggestion is not in order for this motion.

I do agree that there cannot be any direct negotiations with trc, but i do think that the council member suggestion that the staff consider that as part of a broader collaboration is appropriate for the staff to do that as they work with arc on their negotiations. council member morrison? this has been an interesting issue to consider, and I want to start by saying that I know personally the trc is a wonderful organization and has fabulous programs, both for profit and nonprofit programs, and have great teachers. [Inaudible] over there, the one who taught me how to row, and I appreciate that, but I am going to support this motion because I think what we have on the table is a proposed -- I mean, obviously more work needs to be done, with an organization that is capability that has the -- definitely has the prospects of bringing a very vibrant successful concession for the city of austin to the boat house, and I think that it's important that we proceed along those lines. And so I appreciate all the effort and interest of everybody and the passion for rowing, because that's definitely one of the things that makes this city great. council member martinez?

Martinez: sorry, mayor. I just -- I do want to say, though, that it was mentioned a lot about the financial ramifications of either agreement in comparison to one another. There are other values, though, that I take into consideration, specifically in this decision, that are just as important as, i guess, the monetary return that may come back to the city, and there are community benefits, and that's the fact that this is a community-driven organization of completely volunteers. And that, to me, is a huge asset to the city and will speak to the success as well, just as much as a good business model will speak to success, having that volunteer base and that grassroots community organizing behind it, i think will also help. So I didn't want to not go said because what we're heard a lot about is money and return and who's going to bring the most money back to the city. That's just one -- one factor in this. There are a lot more other factors, and having such broad-based community support to me is equally important. let me say, council member, I agree completely with that statement that there are a lot of things to consider besides purely revenue, and I have to admit I'm a little bit confused about the directions, but I will follow the advice of the city attorney, but I'm hard-pressed to see how anything could come back to this council for execution without specifically posting an item to wave the ordinance. well, mayor, this is in response to -- council member tovo.

Tovo: I'm sorry. Is this in response to my suggestion?

Mayor leffingwell: yes. I'll withdraw it if it throws things into complication. I'm simply suggesting if there is an opportunity for the austin rowing center in their negotiations to involve -- you know, it has become

extremely -- has begun and continued as a extremely contentious relationship. Whether that's practically so, I don't know, but the long-term vision could be something that involves more than one rowing organization in and among the other partners that have been presented from the austin rowing center's proposal. That would be the right deal, if it goes into --

mayor, I want to make sure I was clear about that. I think the direction that i heard about that was for staff to look at other collaborative types of approaches to their negotiations with the arc, and I don't believe that that does involve the staff negotiating with trc, but i do think that the staff may have some creative ways of approaching how they think this facility ought to be operated that may allow for the expansion of who gets to use the facility, how they use it, and maybe the staff can maybe comment a little bit on that, but not to indicate that the staff is going to be into interest negotiations with trc.

Sara hensley, director of parks and recreation. Our understanding is that we would go back and look at several options that we could develop that one could be continuing negotiating with arc. There's some other things that we can look at that maybe it's not necessarily our department that's actually negotiating those terms, but the involvement of the waller creek conservancy, possibly, and dealing with that. There are several options that we can look at, working with purchasing and of course with the city attorney's office. And as we negotiate, which means we actually sit down and say, these are the terms that we would like to see happen, then it's incumbent upon arc to either agree or not agree, and at that point then we have to look at what are other options. well, I think that's perfectly clear. Council member morrison? [Laughter] I guess what i want to make sure is the motion I heard from council member martinez was to go negotiate with arc. that's correct. so that will happen, I understand, and if there are some ways that you want to do something else that might mean some collaboration, that's great, but to go forward and negotiate with arc. but as I understand, if there's anything other than a contract with arc it results out of this process, specifically, if it results in a contract all or in part with texas rowing center, that could not be done without additional action by the council?

Correct. That's correct, mayor. so as council member morrison said, this is a negotiation with the austin rowing club at its [inaudible]. All in favor say aye.

Aye.

Mayor leffingwell: aye. Opposed say no. Passes on a vote of 7-0. [Applause] according to my calculations, that is all the items on our agenda for today, so without objection # 3 p.m. 10:# -- 10:33 P.m.